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FIFTY-FIFTH DAY.

Senate Chamber,

April 20, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Baldwin and Northrup.

The minutes of April 19 read and approved.

REPORTS.

Senator Holstein presented the following report:

"In reference to the question submitted by Senator Hocking to the Minister of the Interior on the 14th day of April, 1898, touching upon the authority that caused a dedication of a portion of the public domain known as the Union square for the erection of a memorial to a deceased private citizen, which question and answer by said Minister was referred on the 15th inst. to your Judiciary Committee to report thereon, we beg leave to say that we fail to note any express authority allowing the Minister of the Interior to donate any of the public

domain for the purposes as contemplated by the Memorial Committee, but we think though such powers by implication exist.

Your committee are aware of complaints being made as to the desirability of placing the memorial in the spot given, but our jurisdiction to this matter is restricted to answering the question of authority.

We do believe that other desirable locality could be procured, but that is a subject which we leave to the judgment of the Legislature.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

RESOLUTION.

Senator Hocking thereupon presented the following resolution:

RESOLVED:- That the Judiciary Committee prepare a concurrent resolution setting forth that it is the sense of the Legislature of this Republic that the occupation of a certain portion of Union Square by a memorial fountain will be an obstruction to the public use thereof.

The resolution was adopted.

BILLS SIGNED.

Attorney-General Smith notified the Senate that the President had signed the Act relating to the disposition of the School Tax and the Act relating to the election of Senators, on April 20th.

Senator Holstein presented the following report:

"Your Judiciary Committee to whom was referred the License Act or House Bill 5, beg leave to report that after mature and careful deliberation with the Attorney-General and the chairman of the Judiciary Committee of the House on the question involved as to whether the addition to the present bill of sections regulating the importation of live stock would, under Article 63 of the Constitution, render the whole Act inoperative and void as embracing more than one subject, find that the addition of the Section in question would not in their opinion conflict with the Constitution, and therefore recommend that the bill pass as a whole.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

Senator Wilcox presented the following report:

"Your Committee of Health to whom was referred House Bill 54, an Act to provide against the adulteration of food and

drugs, have had the same under careful consideration.

We think that a law of this kind will be of benefit, and would recommend that it pass.

G. N. WILCOX.

HENRY WATERHOUSE.

J. KAUHANE.

Senator Wilcox presented the following report:

"Your Committee of Health to whom was referred House Bill 41, an Act to authorize the Minister of Interior to issue a license to any person, partnership or corporation, to erect, maintain and operate steam laundries in the city of Honolulu, have had the same under careful consideration.

We find that a steam laundry is much needed in Honolulu and will be a great convenience to the through lines of steamships that make short stoppages at this port.

We would recommend that section 1 of the bill be amended to read as follows:

"Section 1. The Minister of Interior, with the approval of the Executive Council, may issue to any person, partnership, or corporation, a license to erect, maintain and operate a steam laundry within the city of Honolulu, upon such conditions as to location and otherwise as shall be set forth in the license.

With this amendment we recommend the passage of the Bill.

G. N. WILCOX.

HENRY WATERHOUSE.

J. KAUHANE.

House Bill 49, limitation of time of commencing suits to recover land, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Brown, McCandless, Waterhouse, Schmidt, Wright, Rice--10.

Noes--0.

SECOND READING.

House Bill 66, assault and battery, passed second reading. Third reading set for April 21.

House Bill 35, claims against estates of deceased persons, was taken up on second reading with the report of the Judiciary Committee.

Senator McCandless' motion to indefinitely postpone the bill was lost.

The report of the committee was then adopted and the bill passed second reading. Third reading on Friday, April 22.

House Bill 59, relating to the importation of merchandise, was read by title and referred to the Committee on Commerce.

House Bill 68 passed first reading. Under suspension of the rules the bill was read again by title and referred to the Judiciary Committee.

House amendments to Senate Bill 3, appropriations for unpaid claims, were taken up and on motion the Senate concurred therein. The bill was then referred to the Passed Bills Committee.

House Bill 5, licenses, with the report of the Judiciary Committee, was taken up and passed second reading as amended. Third reading set for April 25.

FIRST READING.

Under suspension of the rules Minister Cooper introduced Senate Bills 32, an Act to amend Section 1 of Act 74 of the Provisional Government, and Senate Bill 33, to amend the Land Act 1895, both of which passed first reading.

At noon the Senate adjourned.

Attest:

George Hanson

Clerk.

FIFTY-SIXTH DAY.

Senate Chamber,

April 21, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Baldwin and Northrup.

The minutes of April 20th were read and approved.

REPORTS.

Senator Rice from the Printing Committee reported Senate Bill 32 printed.

Senator Brown from the Passed Bills Committee reported that the following bills had been presented to the President for his approval and signature on April 21st, 1898, Senate Bill 24, amending Section 1140 of the Civil Code; Senate Bill 3, appropriations for unpaid claims; Senate Bill 31, making special appropriations for the immediate use of the Government, and House Bill 49, relating to the limitation of time within which actions to recover land may be brought.

CONCURRENT RESOLUTION.

Senator Brown from the Judiciary Committee presented the following Concurrent Resolution in accordance with the previous action of the Senate:

BE IT RESOLVED:- That it is the sense of the Legislature of the Republic of Hawaii that the occupation of a certain portion of Union Square in the city of Honolulu, Island of Oahu, by a memorial fountain will be an obstruction to the public use of said square, and be it further

RESOLVED:- That a copy of this Concurrent Resolution be furnished to the Executive.

On motion the resolution was adopted.

Senator Brown presented the following report:

"The Judiciary Committee to whom was referred Senate Bill 27, report as follows:

The object of the bill is to confine all proceedings for the probate of wills and matters relating to the appointment of Executors and the like, and the partition of real estate in the Circuit where the real estate is situated or where the person whose will is sought to be probated resided before death; under the existing law, the Circuit Court of the First Circuit has also jurisdiction; this Act takes it away, as well as the juris-

diction of the First Circuit in all civil causes given by Section 39.

This law if enacted will have the effect of relieving the Circuit Court of the First Circuit from a great number of causes brought for trial here in Honolulu, and will give more work to the Judges of the other Circuits. The Judges now of the First Circuit have all the work that they can possibly attend to, and cases have been accumulating and awaiting trial to such an extent that the question of a third Judge for this Circuit has been seriously and strongly urged.

The first Section of the bill in relation to bankruptcy this committee do not recommend pass, as it would necessitate the presence of every merchant wishing to commence involuntary proceedings against debtors residing on the other islands in the Circuit where the debtor resides, as bonds have to be given in such cases, and for the further reason that the First Circuit is the center of trade of the Islands, and in cases of bankruptcy action is generally taken with as little delay as possible.

We therefore recommend that in Section 1 the first subdivision numbered "third" be stricken out, and that the title be amended so that it read as follows:

"An Act to amend Section 38 of Chapter 57 of the Session Laws of 1892, entitled "An Act to reorganize the Judiciary Department," relating to the jurisdiction of the Circuit Court

of the First Circuit in certain civil cases, and to repeal Section 39 of said Act, relating also to the jurisdiction of the Circuit Court in civil causes."

With these amendments this committee recmmends the passage of the bill.

CECIL BROWN.

H. L. HOLSTEIN.

Senator Brown presented the following report:

"The Judiciary Committee to whom was referred House Bill 61, report as follows:

"This Bill seeks to repeal the Act to facilitate the recovery of rents, a statute that has been in existence since 1864, and the only summary remedy that a landlord has in collecting rent that may be in arrears. We know of no abuses nor of any complaints made under or against this law, and as it has been in operation some thirty-five years and has been construed and the practice or method of distraining the goods or chattels seized decided by the courts, we know of no reason for its repeal, as it works no hardships nor is it unjust.

We recommend that the bill be laid upon the table.

CECIL BROWN.

H. L. HOLSTEIN.

On motion the report of the committee was adopted.

CONFERENCE REPORT.

Senator Lyman presented the following conference report, which was on motion adopted:

"The Joint Committee on Public Lands and Internal Improvements of the Senate and House of Representatives, to whom was referred Senate Bill 7, being an Act relating to and concerning vehicles, tires and wheels, with the House amendments to the same, in which the Senate did not concur, have considered the same and find that the only amendment made to the bill in the House is in Section 4, extending the time when the bill shall go fully into effect from A. D. 1900 to 1901.

The only other difference is the word "as" between the words "specified" and "provided" near the end of the section, which word should be "and" instead of "as". It is apparently a misprint and has been corrected by the committee.

The committee recommend that with this correction the bill pass as amended by the House.

Senate Committee	(	F. S. LYMAN.
	(	H. P. BALDWIN.
	(	J. A. McCANDLESS.
House Committee	(	A. B. LOEBENSTEIN.
	(	L. L. McCANDLESS.
	(	W. C. ACHI.

Senator Lyman presented the following report:

"Your Judiciary Committee to whom was referred House Bill 68, being "An Act relating to Circuit Judges, and providing for the appointment of a person to perform the duties of the office during the absence or temporary disability of a Circuit Judge, and amending Sections 30 and 34 of the Laws of 1892, entitled "An Act to reorganize the Judiciary Department," have considered the same and beg to report:

Provision is made for the appointment of a District Judge to act temporarily in case of illness, temporary absence, or disqualification of the regular District Magistrate in Chapter 20 of the Session Laws of 1892, and Chapter 12 of the Session Laws of 1896 provides that the place of any Justice of the Supreme Court may be temporarily filled by one of the Circuit Judges or by a member of the bar.

Provision is also made by the Laws of 1892, Section 45, Chapter 57, by which the Judge of some other Circuit may preside at the trial of a cause or term of any other Circuit Court other than the First Circuit on the request of the Chief Justice when the Circuit Judge is disqualified or is unable to attend; But for the performance of the duties of the Circuit Judge outside of the regular term time, or of a particular cause, there seems to be no provision, and each of the regular Circuit Judges has the duties of his own Circuit to attend to, and could not remain long in such other Circuit without neglecting his own duties.

This Act seeks to provide for such contingencies, that the duties of the Circuit Judges may be performed at all times as occasion requires, and does not conflict with the existing statutes, but simply completes the provision against an unavoidable temporary vacancy.

Your committee therefore recommend the passage of the bill.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

NOTICES OF INTENTION.

Senator Holstein gave notice of his intention to introduce an Act to amend Section 80 and 83 of Chapter 64 of the Session Laws of 1896 in relation to milk and notaries public.

Minister Cooper gave notice of his intention to introduce a bill to amend Sections 17, 19 and 29 of Act 20 of the Session Laws of 1895, relating to the National Guard of Hawaii and Sharpshooters; also a bill to authorize the Hawaiian Government to acquire and preserve ancient heiaus and puuhonuas or the sites or remains thereof.

SECOND READING.

Senate Bill 4, appropriations for current account, was taken up on motion and under suspension of the rules Senator

Waterhouse from the Finance Committee made a verbal report favoring the item of $3500 for an Hawaiian exhibit at the Omaha Exhibition. On motion the item passed.

On motion of Attorney-General Smith a line was inserted on line 99b"Water filtration investigation $1500" and passed.

THIRD READING.

House Bill 66, relating to assault and battery, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--10.

Noes--0.

House Bill 54, adulteration of food and drugs, was taken up on second reading.

Section 5 was amended by inserting on line 7 of the original bill after the word "guilty" the words "under the provisions of this Act" and striking out the same words in lines 8 and 9.

The remaining sections and title passed as in the bill.

The bill then passed second reading as a whole. Third reading set for April 25.

House Bill 41, steam laundries, was taken up on second reading and the following amendments thereto passed:

Amend the title to read: "An Act authorizing the issuing of licenses to erect, maintain and operate steam laundries in the District of Kona, Island of Oahu."

Amend Section 1 so as to read: "Section 1. The Minister of Interior with the approval of the Executive Council may issue to any person, partnership or corporation, a license to erect,maintain and operate a steam laundry within the District of Kona, Island of Oahu, upon such conditions as to location and otherwise as shall be set forth in the license."

Amend Section 3 to read: "Section3. The annual fee for said license shall be fifty dollars."

The bill then passed second reading as a whole. Third reading on April 25.

At 11:55 A. M. the Senate adjourned.

Attest: George Manson
Clerk.

FIFTY-SEVENTH DAY.

Senate Chamber,

April 22, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent senators Northrup and Baldwin.

Minutes of April 21st were read and approved.

REPORTS.

Senator Brown from the Passed Bills Committee reported Senate Bill 7, wide tires, and House Bill 66, to amend Section 4 of Chapter 9 of the Penal Code, presented to the President for his signature this day.

Under suspension of the rules Senator Holstein made a verbal report on the item in Senate Bill 4, relating to the subsidy for the Molokai steamer.

FIRST READING.

Minister Cooper introduced Senate Bill 34, relating to heiaus and puuhonuas, which passed first reading. Also Senate Bill 35, relating to the National Guard and Sharpshooters, which passed first reading. Both bills were referred to the Printing Committee.

SECOND READING.

Senate Bill 4 was taken up and on motion the item on the Molokai steamer subsidy was amended to read 120 tons registered, and that portion of the item relating to the speed of the vessel stricken out. The bill was then referred to the Revision Committee.

Senate Bill 27 was taken up on second reading with report of the Judiciary Committee. On motion the report was adopted and the bill passed second reading. Third reading set for April 25.

Senate Bill 32, relating to heiaus and puuhonuas, was taken up on second reading, read by title and referred to the Committee on Foreign Relations.

At 11 A. M. the Senate adjourned to April 25, 1898.

Attest: George Manson
Clerk.

FIFTY-NINTH DAY.

Senate Chamber,

April 25, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Senator Brown presented the credentials of A. N. Kepoikai Esq., newly elected Senator from Maui to fill the vacancy caused by the death of Senator Horner. On motion the same were referred to the Judiciary Committee.

Prayer by the chaplain.

Roll call; absent Senators Baldwin, McCandless and Northrup.

The minutes of April 22d were read and approved.

HOUSE MESSAGES.

The following communications were received from the House:

Honolulu, H. I. April 22, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit

to you House amendments to Senate Bill 19 re public recreation grounds, the said bill as amended having passed third reading in the House of Representatives of the Republic of Hawaii this 22d day of April. Certified copies of the amendments as well as the original bill are herewith returned to you for further consideration.

The amendments as recommended by a special committee of the House are as follows:

In the title the word "Aala" was substituted by the word "Kaliu."

The same changes were also made to the first part of Section 1.

The following words were added after 3 82/100 acres" in Section 1 "the same to be called River Park."

And the following were added at the end of the description of the boundary of land at Makiki in same section: "The same to be called Makiki Park."

Section 3, the word "the" was changed to the word "its."

Honolu, H. I. April 25,1898.

I have the honor herewith to inform you that Senate Concurrent Resolution #1, relating to the memorial fountain to be erected on Union Square, was adopted in the House of Representatives on the 23d inst. Certified copies of said concurrent resolution are herewith returned to you.

I have the honor to be,

Your obedient servant,

JAS. N. K. KEOLA,

Clerk House of Representatives.

Senator Brown from the Judiciary Committee reported that the committee had examined the credentials of Senator A. N. Kepoikai and the same were in order and he was entitled to take his seat as a Senator from Maui.

Senators Rice, Holstein and Hocking were appointed a committee to wait on Chief Justice Judd and ask him to appear in the Senate Chamber for the purpose of administering the oath of office to Senator Kepoikai.

PETITION.

A petition was received and read from Mrs. Louisa Marion Todd asking to be transferred from the Leper settlement. Referred to the Committee on Public Health.

REPORTS.

Minister Cooper reported that the President had signed the following Acts:

Act 16, relating to the grades of streets in Honolulu and Hilo.

Act 17, making special appropriations for the immediate use of the Government.

Act 18, amending Section 1140 of the Civil Code.

Act 19, limitation of time within which actions may be brought to recover possession of land.

Act 20, to amend Section 4, Chapter IX of the Penal Code, relating to assault and battery.

Act 21, making special appropriations for the payment of claims, unpaid bills and salaries due prior to December 31, 1897.

Also that the President had returned without his approval the Act relating to Tax Appeal Courts.

Senator Schmidt presented the following report:

"Your Committee on Commerce had under careful consideration House Bill 59, to prohibit the importation of merchandise which is marked or labelled as Hawaiian manufacture, and begs to report as follows:

When any Hawaiian factory, such as the Soap Works and others, have established a reputation for their products as to purity, excellence or other good qualities, and when such goods with the mark or labels of the manufacturers are considered a standard article by the trade or housekeepers, then other parties in competition with the successful manufacturer have had made imitations of such articles abroad and attached thereon the same marks or labels as on the genuine article, all at a lower cost and value.

The consequence has been that our home market has been

flooded with such spurious articles and that our home manufacturers are unable to compete with such imitations, loosing reputation and customers and eventually will be obliged to discontinue such home industries.

There is no doubt in our mind that this should be stopped immediately and that our present and future home industries should be protected, and we therefore recommend that the bill pass and become a law.

H. W. SCHMIDT.

H. L. HOLSTEIN.

Senator Rice from the Printing Committee reported printed copies of Senate Bills 33, 34 and 35.

QUESTION.

Senator Brown asked the following question of the Minister of Interior ad interim:

"Wil you please state why the so-called harbor improvements at or near the old fishmarket are being now carried on and at a time when this subject is in the hands of a special committee of the Senate for investigation and such committee has signified its intention of making a report upon a plan covering the future wharf facilities of the harbor of Honolulu?"

The committee to request the presence of the Chief Justice returned with that official who thereupon administered the oath of office to Senator Kepoikai, who thereupon took his seat as a duly qualified member of the Senate.

FIRST READING.

Senator Holstein introduced and read Senate Bill 36, amending certain sections of the license Act, which passed first reading and was referred to the Printing Committee.

THIRD READING.

House Bill 5, licenses, with Senate amendments, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

House Bill 41, public laundries, with Senate amendments, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

House Bill 54, adulteration of food and drugs, with Senate amendments, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Wright, Rice, Wilcox--10.

Noes--Schmidt.

House Bill 35, claims against estates of deceased persons, passed third reading with Senate amendments by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Wright, Rice, Wilcox--10.

Noes--Schmidt.

House Bill 68, disability of a Circuit Judge, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

Senate Bill 27 was taken up on third reading. On motion of Senator Brown the words "Of the First Circuit" were inserted after the words Circuit Court in the latter portion of the title.

The bill then passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown,

Waterhouse, Schmidt, Wright, Rice and Wilcox--11.

Noes--0.

Senate Bill 4, appropriations for current account, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Wright, Rice, Wilcox--10.

Noes--0.

SECOND READING.

Senate Bill 34, to acquire ancient heiaus and puuhonuas, was read by title and referred to the Committee on Public Lands, as was also Senate Bill 33, to amend certain sections of the Land Act.

Senate Bill 35, relating to the National Guard and Sharpshooters, was read by title and referred to the Military Committee.

Senate Bill 19, public grounds at Aala and Makiki, with House amendments thereto, was taken up and on motion the Clerk was instructed to return the same to the House and ask that the amendments made by the House be certified as provided by Rule 13 of the Joint Rules of the Legislature.

At 11:35 A. M. the senate adjourned.

Attest:

George Manson

Clerk.

SIXTIETH DAY.

Senate Chamber,

April 26, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Baldwin and Northrup.

Minutes of April 25th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. April 25, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of the following House Bills which passed third reading unanimously in the House of Representatives this day:

House Bill 67, penal laws and penal code.

House Bill 71, withdrawal of alcohol from the Custom House for the sole use of the Queen's Hospital free of duty.

I have the honor to be,

Your obedient servant,

JAS. N. K. KEOLA,

Clerk House of Representatives.

REPORTS.

Senator Holstein submitted the following majority report:

"Senate Bill 28, which was referred to your Judiciary Committee, has been considerably amended by them, the consideration upon the same has been very painstaking and in their opinion as thorough as could be done considering the fact that it had already received a competent and exhaustive examination by the Commerce Committee before they took it in hand. It has mey with several amendments in the course of your committee's deliberation, matters which were called to their attention by the wholesalers, jobbers and retailers in spirituous liquors, and the need of such amendments to the Act will reduce the objections to a great extent that the licensees urged against the bill. The merits of the measure was passed upon by the Commerce Committee to whom we invite the Senate to a proper consideration, but we feel inclined though to reiterate the fact that in our opinion the Act will mitigate the evil so openly recognized of illicit selling in the outer districts. The bill is so guarded with wholesome restrictions and wise regulations that the licensee and the Government, the wholesalers and re-

tailers of spirits, and even the intemperate and his family are fully protected by the provisions of the Act.

In reference to the question of the constitutionality of Section 4, where provision is made for any police captain "at all times and without search warrant have the right to enter the premises and examine and search the same", we beg leave to say that such being one of the conditions which is made in the license to be accepted by the vendor, it practically makes it a contract between himself and the Government before the license is issued. Such an agreement with its full import could not be claimed an "unreasonable search and seizure" neither would it be understood as "a condemnation of property without due process of law." We therefore answer the question of constitutionality of that section in the affirmative, and say further that it is a wise police regulation.

We herewith recommend that Section 1 be amended to read as follows:

"Section 1. The Minister of the Interior is hereby authorized and empowered to issue licenses for the term of one year each to any applicant receiving the endorsement of the majority of the electors, residents of such district, for sale at retail only by the glass or single bottle, wines manufactured from grapes not to exceed eighteen per cent of alcoholic strength, and of beers and ales in the same manner not to ex-

ceed eleven eleven per cent of alcoholic strength. All such wines, beers or ales so sold to be unmixed with any ingredients injurious to health. Not more than three of such licenses shall be issued for each Judicial District of the Republic, provided, however, that in any district, town or place in which there is a license in existence for the selling at retail of spirituous liquors and the business of vending spirituous liquors is actually carried on, no such license shall be issued; and further provided however that Nuuanu Valley, Waikiki and Kalihi, in the District of Kona, Island of Oahu, shall for the purposes of this Act be each considered a judicial district and as such entitled to but one license each."

On line 3 in Section 2 your Committee recommend the striking out of the words "amount of the ", and substituting the word "such", and on line 6 and 7 add the letters "ny" after the letter "a", and striking out the word "financial" so that the clause would read "no person holding any interest, etc."

In Section 3 line 5 after the words "spirituous liquors" insert the following sentence "or any person holding a license for the sale of imported goods, wares and merchandise." In the same Section on line 7 we recommend striking out the word "eight" and inserting the word "seven."

In Section 4, line 1, after the word "contain" insert the following words "among other rules and regulations."

After the word "vendor" in line 3 of Section 5 add the

following "and nothing in this Act shall be so construed as to authorize the licensee to engage in the business of importing wines, beers and ales for the purpose of selling them under such license without obtaining the license or licenses made necessary by Chapter XLIV of the Session Laws of 1862, approved the 7th day of August, A. D. 1882, entitled "An Act to regulate the sale of spirituous liquors."

In Section 8, line 1, after the word "Act" strike out the words "within twelve months" and in line 3 strike out after the word "any" "spirituous or intoxicating liquor", and substitute therefore the words "wines, beers or ales." In line 20 of the same Section Substitute the word "two" for "one."

We further recommend adding two new sections, the first to be called Section 9, to read as follows: Jurisdiction is hereby conferred upon all District Magistrates to hear and determine all prosecutions authorized under the provisions of this Act", and the latter as Section 10, to read as follows: "For the purposes of this Act the terms "spirituous liquors" shall mean any wines, spirits, ales, cider, perry, beer or other fermented or distilled liquors, and all liquor of an intoxicating nature." "Sunday" shall mean the time between eight of the clock on the evening of Saturday and seven of the clock on the morning of the succeeding Monday."

We also recommend that Section 9 of the Act be made Section 11.

With these amendments to the bill we recommend its passage, feeling that in its adoption it would be a step in the right direction and will be for the advantage of the taxpayers of the outer districts who now have to evade the law to procure a commodity which prohibition cannot check or keep out of this Republic. It must also be remembered that this Act is not a hastily composed one, but it is the result of the patient and careful study since of the issue that was presented in the Legislature of 1890. It follows, therefore, that with such a law as this in operation the revenues of the country would be increased, besides remedying the evils which we now deplore, when as it is hoped the control of such licenses are placed in the hands of responsible residents who have the moral and financial support of the better element of a district.

CECIL BROWN.

H. L. HOLSTEIN.

"As a member of the committee I am satisfied that this bill is carefully drawn, and if we are to have licenses issued that are provided in this Act the matter seems to be as well guarded as it can be, and is much to be preferred to full spirit licenses; yet at the same time I do not have faith in the good results that are claimed for the bill, to control the sale of spirituous liquors and to stop the illicit sale of the same in the country districts. I do not believe it will stop any of the illicit sale of spirituous liquors, and the licensed dealers

of Honolulu say that it will not stop any of the illicit sales. I greatly fear that this Act will have the same effect as the Grocers' License to sell wines and beers, introduced as a temperance measure in England by Mr. Gladstone a few years ago, which proved to be an utter failure and greatly increased drunkenness especially among women until it became a nuisance.

Section 7 shows out what is to be expected as the result of the drink habit, and feeling that these licenses will increase drunkenness as a whole, I do not wish to uphold any measure that tends to increase the evil rather than to lessen it, so cannot recommend the passage of the bill.

F. S. LYMAN.

The bill was then referred to the Printing Committee.

Senator Wilcox presented the following majority report:

"Your Committee of Health, to whom was referred Senate Bill 29, an Act providing for Plumbing rules and regulations for the district of Kona, Island of Oahu, would recommend that Section 2 be amended to read as follows:

"Section 2. There shall be a Board of Examiners of Plumbers to decide by proper examination upon the competency of any person to engage in or work at the business of plumbing in the district of Kona, Oahu, said board to consist of three members: The Superintendent of Public Works, who shall be

ex officio its chairman; the inspector of plumbing, and one master plumber, who shall be appointed by the President of the Board of Health with the consent and approval of said Board. The Board of Examiners shall serve during the pleasure of the Board of Health, and without compensation.

To Section 4 add the words "and no person shall serve in such capacity who is directly or indirectly engaged in the business of plumbing.

Section 26: To strike out the last seven words.

Section 34: To be stricken out.

With these changes your committee would recommend that the bill pass.

G. N. WILCOX.

J. KAUHANE.

On motion the report was laid on the table to await the minority report.

SECOND READING.

House Bill 59, relating to the importation of merchandise under Hawaiian labels, was read the second time with the report of the Committee of Commerce.

On motion the words "less than One Hundred Dollars nor" near the end of the section 1 were stricken out.

The bill then passed second reading as amended. Third reading set for April 27.

House Bill 71, relating to the withdrawal of alcohol from the Custom House for the Queen's Hospital, passed first reading.

Under suspension of the rules the bill was read a second time by title and referred to the Committee on Commerce.

House Bill 67, penal laws and penal code, passed first reading.

Under suspension of the rules the bill was read a second time by title and referred to the Judiciary Committee.

ANSWER.

Minister Cooper presented his answer to the question propounded by Senator Brown on the harbor work, together with copy of deed and map pertaining thereto, and on motion the same were referred to the Special Committee on the Harbor Matter.

At 10:40 A. M. the Senate adjourned.

Attest: George Markham
Clerk.

SIXTY-FIRST DAY.

Senate Chamber,

April 27, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Baldwin.

The minutes of April 26th were read and approved.

REPORTS.

Senator Brown presented the following report:

"The Judiciary Committee to whom was referred House Bill 67 report that the object of the bill is to facilitate the use of the compilation of the penal laws of the Republic recently made by S. M. Ballou, Esq., a member of the Hawaiian bar, in the prosecution of offenses by the officers of the Government or others who may have business of that nature before the COurts.

The bill provides that if any existing law or statute defining an offense has by accident been omitted from the compilation, such fact shall not be construed or deemed as a repeal or modification of any such law or statute so omitted.

This we think a necessary and wise precaution, as it will save any questions that might arise in the prosecution of an offense defined and punishable under a law that does not appear in the compilation.

We are in favor of the bill and recommend that it pass.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

On motion the report was adopted and the bill passed second reading. Third reading set for April 28.

Senator Wilcox presented the following report:

"The Committee on Public Health and Education to whom was referred the petition of Mrs. Louisa Marion Todd, report as follows:

The committee have examined into the matter and learned that the request of Mrs. Todd to be allowed to leave the country is under consideration by the Board of Health. That in the case of every such request the Board is obliged to be careful that no action is taken or course approved which will cause offense to the authorities of the country to which the party proposes to go, or makes trouble with the ship which takes him, or entails liability on this Government for his return.

We recommend that the petition be laid on the table.

G. N. WILCOX.

HENRY WATERHOUSE.

On motion the report was adopted.

RESOLUTION.

Senator Brown presented the following resolution which was adopted:

RESOLVED:- That the clerk of the Senate be and he is hereby authorized to draw warrants on the special appropriation for the expenses of the Special Session of the Senate in 1897 for the mileage due to members of the Senate for attendance thereon. Also that he be authorized to advertise for all outstanding claims for the expenses of the Special Session, and when the same have been duly audited and allowed by the Committee on Accounts to draw the necessary warrants therefor.

THIRD READING.

House Bill 59, relating to the importation of foreign merchandise under Hawaiian labels and marks, as amended by the Senate, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, McCandless, Waterhouse, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

At 10:15 A. M. the senate adjourned.

Attest:

George Manson

Clerk.

SIXTY-SECOND DAY.

Senate Chamber,

April 28, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Northrup.

Minutes of April 27th were read and approved.

Senator Rice from the Printing Committee reported printed copies of Senate Bill 28 as amended.

On motion of Senator Holstein, Senator Kepoikai was appointed to serve on the committee to visit the Leper Settlement in place of Senator Northrup, absent.

NOTICE OF INTENTION.

Senator Kepoikai gave notice of his intention to introduce an Act entitled "An Act defining eligibility of persons to hold office, and to repeal Sections 1 and 2 of Chapter VIII of the Session Laws of 1876."

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. April 27, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of House Bill 60 re importation and sale of opium, which passed third reading in the House of Representatives of the Republic of Hawaii this 27th day of April. Also I have the honor to inform you that the House this day concurred in Senate amendments to Substitute to House Bill 5, re licenses; also to Senate amendments to House Bill 41 re steam laundries, and House Bill 54, re adulteration of food and drugs, and said bills have been referred to Revision Committee to be re-typewritten and certified.

The House refused this day to concur to Senate amendments to House Bill 35, re claims against the estates of deceased persons, and the same has been referred to House Joint Judiciary Committee.

Likewise I have the honor to inform you that the following gentlemen were duly elected by the House this day to serve as members of the Council of State for the ensuing period: Hon. A. V. Gear, Hon. A. G. M. Robertson, Hon. J. L. Kaulukou, Hon. P. R. Isenberg and Hon. W. C. Achi.

I have the honor to be,

Your obedient servant,

JAS. N. K. KEOLA,

Clerk House of Representatives.

QUESTIONS.

Senator Holstein submitted the following questions to the Minister of Finance:

1. What is the intention of the Government with regard to providing for any further loans at the present session of the Legislature?

2. What is the intention of the Government with regard to procuring an authorization by law for an issue of bonds for the purpose of calling in and redeeming any outstanding loan or loans. What is the maximum rate of interest intended to be authorized upon such new issue. What commission is to be allowed for the negotiation of such bonds. What discount, if any, is to be allowed from the par value of such bonds in order to facilitate the placing of such loans?

3. What is the intention of the Government with regard to offering such bonds for sale in Honolulu or placing them in whole or in part upon some foreign market, and, if placed upon a foreign market, is it the intention to pay interest in Honolulu or in London, or in other foreign point. If interest is to be paid in a foreign city, what will be the expense of such payment, including exchange, commissions and any other charge?

4. What is the intention of the Government with regard to the security to be offered for the payment of such bonds?

THIRD READING.

House Bill 67, penal code and penal laws, passed third reading by the following vote:

Ayes--Lyman, Holstein, Kauhane, Hocking, Baldwin, Kepoikai, Brown, McCandless, Waterhouse, Schmidt, Wright, Rice, Wilcox--13.

Noes--0.

SECOND READING.

On motion of Senator Brown Senate Bill 28, licenses for the sale of light wines and beers, was taken up on second reading.

Section 1 was amended as follows:

On line 2 after word "issue" insert the word "a" and strike out the letter "s" of the word "licenses" and strike out the word "each" in said line. The section then passed as amended.

Sections 2, 3 and 4 passed as in the bill.

Section 5 was amended by striking out all following the word "vendor" on line 3, and passed as amended.

Section 6 was amended by inserting the words "and all

rules and regulations prescribed by the Minister of the Interior"? on line 22 after the words "and of said law", and passed as amended.

Sections 7, 8, 9, 10, 11, the title and enacting clause passed as in the bill.

The bill then passed second reading as a whole. Third reading set for May 2.

On motion it was ordered that House Bill 35, relating to claims against the estates of deceased persons, lay on the table until called up.

REPORT.

Under suspension of the rules Senator McCandless submitted the following report:

"Your committee to whom was referred Senate Bill 35, an Act to amend Sections 17, 19and 29 of Act 20 of the Session Laws of 1895, relating to the National Guard of Hawaii and Sharpshooters, beg leave to report that they have had the same under consideration.

We find that the amendment to Section 17 of Act 20 relates to an oath for officers of the National Guard of Hawaii, which seems to have been omitted in the Act of 1895.

The amendment to Section 19 adds the word "or" on line 5, so that the commanding officer can have authority to discharge a private without the recommendation of his company commander.

The amendment to Section 29 adds the following words to the present section: "And all crimes not capital and all disorders and neglects to the prejudice of good order and military discipline, though not mentioned in Section 27 and 28 of this Act, are to be taken cognizance of by a general, regimental or garrison courtmartial, according to the nature and degree of the offense, and punished at the discretion of said court."

We believe it is necessary to have these changes in the law. We therefore recommend that the bill pass.

J. A. McCANDLESS.

W. H. RICE.

J. N. WRIGHT.

On motion the report was adopted and the bill passed second reading. Third reading on May 2.

Senator Rice from the Printing Committee, under suspension of the rules, reported Senate Bill 36 printed and ready for distribution.

FIRST READING.

House Bill 60, relating to the importation of opium, passed first reading.

At 11:45 A. M. the Senate adjourned to Monday, May 2d.

Attest:

George Manson

Clerk.

SIXTY-FIFTH DAY.

Senate Chamber,

May 2, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Vice-president Kauhane offered prayer in the absence of the chaplain.

Roll call; absent Senators Northrup, Brown and Wright.

The minutes of April 28th were read and approved.

Senator Lymen presented the following report:

"Your Committee on Public Lands and Internal Improvements to whom was referred Senate Bill 34, being "An Act to authorize the Hawaiian Government to acquire and preserve ancient heiaus and puuhonuas or the sites or remains thereof", have considered the same and beg to report as follows:

There are still a few ancient heiaus in a fair state of repair in different parts of these islands, and there is one notable puuhonua at a place called Honaunau in South Kona, Island of Hawaii, that is in a very perfect state of preservation, being surrounded with an immense stone wall. This

puuhonua and some of the best preserved heiaus are matters of interest to many people as relics of the past and should be preserved as such.

Your committee recommend the passage of the bill.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. April 29, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of House Bill 74, notice of increase of assessment, which passed third reading in the House of Representatives of the Republic of Hawaii this 29th day of April.

Also I have the honor to inform you that the House this day concurred to Senate amendments to House Bill 59, relating to importation of foreign goods marked as though they were produced in this Republic, and said bill has been referred to the Tevision Committee to have the amendments inserted and certified.

I have the honor to be,

Your obedient servant,

JAS. N. K. KEOLA,

Clerk House of Representatives.

Senator Schmidt from the Committee on Accounts reported bills for April to the amount of $735.05 audited and allowed, and the same were ordered paid.

Senator Kepoikai introduced and read Senate Bill 37, relating to the eligibility of persons to hold office, which passed first reading and was referred to the Printing Committee.

On motion of Senator Baldwin Senator Kepoikai was appointed on the Commerce and Miscellaneous Committees in place of Senator Horner, deceased.

QUESTION.

Senator Kepoikai propounded the following questions to the Minister of the Interior:

"Will the Minister of the Interior inform the Senate whether a Government surveyor was recently sent to Kahului to inspect the pier in process of construction by the Hawaiian Commercial and Sugar Company, and whether such surveyor has made any report in writing or otherwise concerning the same?

"Was the surveyor instructed or authorized to order the discontinuance of the construction of the pier of the Hawaiian Commercial and Sugar Company at Kahului if he considered that it interfered with any other company there?

"Prior to the sending of the surveyor to Kahului was any complaint or request in writing or otherwise by or in behalf of any other company or person concerning said pier of the Hawaiian Commercial and Sugar Company made to the Government or any officer or department thereof? If yes, give the name of the person or company.

"Please furnish the Senate with all the writings and correspondence on this subject."

RESOLUTION.

Senator Holstein presented the following resolution which was adopted:

BE IT RESOLVED:- That the Senate shall on the 4th day of May, 1898, Wednesday, elect members of the Council of State.

On motion the third reading of Senate Bill 28 was deferred to Tuesday, May 3.

THIRD READING.

Senate Bill 35, relating to the National Guard and Sharpshooters, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, McCandless, Waterhouse, Schmidt, Rice, Wilcox--11.

Noes--0.

SECOND READING.

Senate Bill 36, licenses, was read by title and referred to the Committee on Commerce.

Senate Bills 11 and 12, relating to Kapiolani Park lots, were made the special order for Wednesday, May 4, on second reading.

ANSWER.

Minister Damon presented his answers to the questions propounded by Senator Holstein, which were ordered printed.

House Bill 60, relating to the importation of opium, was referred to the Judiciary Committee.

FIRST READING.

House Bill 74, notices of assessments, passed first reading. Under suspension of the rules the bill was read again by title and referred to the Judiciary Committee.

At 10:45 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

SIXTY-SIXTH DAY.

Senate Chamber,

May 3, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators McCandless and Northrup.

The minutes of May 2d were read and approved.

REPORTS.

Senator Rice from the Printing Committee reported Senate Bill 37 printed and ready for distribution.

Senator Brown from the Passed Bills Committee reported House Bills 68 and 67 presented to the President for his signature and approval this day.

Senator Baldwin submitted the following report:

"Your Committee on Commerce, Agriculture and Manufacture, to whom was referred House Bill 71, entitled an Act allowing alcohol, spirituous liquors and wines to be withdrawn for the

sole and special use of the Queen's hospital from the Custom House in Honolulu free of duty, beg leave to report that we have had the same under consideration.

The object of the bill is to authorize the Queen's Hospital to withdraw alcohol, spirituous liquors and wines required for the sole and special use of the Queen's Hospital.

It appears that the Queen's Hospital has for years withdrawn from the Custom House free of charge all the alcohol and spirits needed for the use of the hospital, and the authorities have allowed it under the impression that the laws allowed it. The Government now find that there is no law authorizing such withdrawals for the hospital and introduced this bill in the House.

We recommend the passage of the Act.

H. P. BALDWIN.

H. W. SCHMIDT.

A. N. KEPOIKAI.

Senator Baldwin presented the following report:

"Your Committee on Commerce, Agriculture and Manufacture, to whom was referred House Bill 42, entitled "An Act relating to the duty on spirituous liquors, still wines and other beverages made from materials other than grape juice, and amending Section 1 of Act 79 of the Session Laws of 1896 relating thereto" beg leave to report that we have had the same under careful

consideration.

This bill amends the present law relating to the duty on wines and liquors and other beverages made from materials other than grape juice, so that instead of a duty of 60¢ on all such wines, liquors and other beverages containing 9% and not more than 14% of alcoholic strength, and $1.00 per gallon on all such liquors above 14% of alcoholic strength, the law shall read:

"That all spirituous liquors, all still wines and other beverages made from materials other than grape juice when imported into the Hawaiian Islands, shall, if containing nine per cent and not more than seventeen per cent of alcohol, be subject to pay a duty of sixty cents per gallon: if containing more than seventeen and not more than twenty-one per cent of alcohol shall be subject to pay a duty of one dollar per gallon."

The object of this bill is undoubtedly to allow sake to come in under a duty of 60@ instead of $1.00 a gallon as at present.

Wines made from grapes under 18% alcoholic strength come in free, so that even with this reduction wines would still have a great advantage over sake, and your committee recommend the passage of the bill.

H. P. BALDWIN.

H. W. SCHMIDT.

A. N. KEPOIKAI.

Senator Lyman presented the following report:

"Your Committee on Public Lands and Internal Improvements, to whom was referred an item in Senate Bill 22, under the head of "New Roads, Maui," have considered the same and beg to report:

That we find such a road is greatly needed and will require all of the amount asked, though we are in doubt about the road being laid out in the best location, as shown on the plan; but that is a matter that can be decided by the local road authorities.

Your committee recommend the item.

F. S. LYMAN.

H. P. BALDWIN.

Senator Holstein presented the following report:

"House Bill 74, which was referred to your Judiciary Committee, has received their careful attention. We beg leave to say that Section 51 of Act 51 of the Session Laws of 1896 made it necessary that notices be sent only to non-residents in case of an increased valuation above the amount stated in his assessment return, leaving the resident his chances of an opportunity of glancing at the Assessor's books to note whether an increased valuation has been made over his return, and in a great number of cases his opportunity of appeal has been lost, not alone from inattention but mainly upon the belief that his return figures sworn to had been accepted.

Such legislation as embodied in the section quoted was partial only to the non-resident.

The bill now seeks to make it compulsory for the Assessor to notify the taxpayers in writing and by mail of a "raise" in the latter's return assessment, therefore giving the taxpayer an official notice which otherwise has been guess work. Such notice we believe is proper and consistent.

We therefore recommend the passage of the bill.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

Senator Lyman presented the following report:

"Your Judiciary Committee, to whom was referred House Bill 60, being "An Act relating to the restriction of the importation and sale of opium and preparations thereof, and amending Sections 1 and 3 of Act 12 of the Executive and Advisory Councils of the Provisional Government relative thereto", have considered the same and beg to report as follows:

The law now provides that "one-half of the pecuniary penalty for the importation or possession of opium shall be paid to the person or persons giving the information which shall lead to the conviction of the offender."

The amendment proposed is to abolish this system of paying one-half of the fines to informers, by striking out the said

clause from Sections 1 and 3, relating to informers.

It is found in practice that there is much abuse of the law by would-be informers for the sake of obtaining the reward offered in the law.

Your Committee recommend the passage of the bill.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

Senator Lyman also presented the following report:

"Your Committee on Public Lands and Internal Improvements, to whom was referred Senate Bill 33, being an Act to amend certain sections of the Land Act 1895, relating to public lands, have considered the same and beg to report as follows:

1. Section 1 amends Section 4 of the Land Act by striking out the words "except leases executed under the provisions of Parts 6 and 7 of this Act." Parts 6 and 7 being Homestead Leases and Purchase Leases. This amendment brings all leases of public lands under the same rule in regard to the making and improving of roads, as they are all equally liable to need roads, and there is no good reason to except any class of leases from the provision. Your committee approves this amendment.

2. Section 2 is to amend Section 18 of the Land Act. Section 18 as it is provides that "all proceeds of sales of public lands shall be set apart as a special fund for the pay-

ment of the bonded indebtedness of the Government or for the purchase of other lands" for homestead purposes with any funds that may be appropriated therefor."

The Section as amended by this Act provides that all proceeds of such sales shall be expended only for the payment of the bonded indebtedness of the Government and for the purchase of other lands for public purposes in the discretion of the Executive Council, thereby making the purchase of other lands for public purposes entirely in the discretion of the Executive Council.

Your Committee do not approve of this amendment and recommend that Section 2 be stricken out.

3. Section 3 is to amend Section 30 of the Land Act by adding a provision by which a person who has been living on the land as his home previous to the passage of the Land Act of 1895 may still retain the place without the risk of losing his home, and possibly all that he has, to the first new-comer who may succeed in getting in his application first. Such cases have already come before the Commissioners of Public Lands, among native Hawaiians, and this provision should be adopted to avoid hardship and injustice to old settlers.

4. Section 4 amends Section 57 of the Land Act, so that lands ready for settlement or occupation as "Cash Freeholds" or by "Special Agreements" may be advertised under one notice, and not by two separate notices as is now required; and the

purchaser may thereby have his option in which way he will make his purchase, either as a "Cash Freehold" or by "Special Agreement."

"Cash Freeholds" are not popular and are seldom taken up, while purchases under "Special Agreement" are eagerly sought after. The amendment is good for economy in advertising and as a revenue measure to increase the sale of lands.

Section 5 amends Sections 71, 72 and 73 of the Land Act, so that "Settlement Associations" may acquire land under the "Right of Purchase Leases" as well as by "Cash Freeholds", and is a good provision to make.

Section 6 amends Sections 10, 20, 27, 55, 62 and 69 of the Land Act, by substituting the words "Executive Council" for the word "Cabinet", so as to include the President. The amendment is necessary and should be made.

After striking out Section 2, your committee recommends the passage of the bill.

F. S. LYMAN.

H. P. BALDWIN.

Senator Brown presented the following report:

"The Special Committee to whom was referred Senate Bill 21, to provide for telegraphic communication between the United States, Hawaii and Japan, report that they have given the matter long and earnest consideration.

In the opinion of this committee the matter of cable communication of these Islands with the outside world comes next to annexation, and if obtained, will build up this port so that it will be known as the Queenstown of the Pacific, and will confer on Honolulu relatively the same advantages and prosperity that the Reciprocity Treaty gave to the Islands as a whole.

The bill introduced gave the Pacific Cable Company an exclusive franchise for twenty years from and beyond the Hawaiian Islands to any other islands in the Pacific Ocean and to Japan; the committee is willing to recommend an exclusive franchise for twenty years between these Islands and Japan but not to any other islands in the Pacific Ocean, and have therefore amended Section 1 so that the exclusive franchise to Japan will not cover any islands or places between these islands and Japan that lie south of the tenth degree or parallel of north latitude, thus leaving all other islands that may or might be necessary for the purpose of laying a cable from here to Australia or New Zealand open and untrammeled with any exclusive franchise from these islands.

The company now seeking the benefit of the Act and the exclusive franchise to Japan is about the only one that has ever applied without asking for a subsidy, and from what your committee can learn mean business, and we may confidently expect within two years to be connected with the United States by cable.

The right of laying a cable between here and the Pacific Coast of the United States is not exclusive nor was an exclusive right asked for that portion of the line. The principal reason of granting an exclusive right between here and Japan, is that the cost of laying is great (estimated at $10,000,000) and if that amount of money should be spent the projectors would naturally want some assurance that they would not have opposition between here and Japan for some time.

This committee think that as long as no exclusive franchise is granted between these islands, the northwest coast of America and the Islands of the Pacific Ocean that lie south of the tenth degree of north latitude, no objection can be made by any foreign power whose interests are paramount or controlling in this part of the world.

Your committee recommend that Section 1 be amended as follows: On line 6 of the printed bill after the word "Islands" strike out the balance of that line and lines 7, 8 and 9 and insert in their place the following: "and from and beyond the Hawaiian Islands to Japan and any islands or places necessary for stations for such cables between the Hawaiian Islands and Japan that lie north of the tenth degree or parallel of North latitude in the North Pacific Ocean, which said right and privilege as to laying and maintaining cables between the Hawaiian Islands and Japan shall be an exclusive right and privilege for and during the term of twenty years from the date of the

approval of this Act. This amendment will, if adopted, necessitate the amending of Section 2. We therefore recommend that Section 2 be amended as follows: "On line 9 strike out the word "other" and after the word "Islands" at the end of line 9 insert the words " or places necessary for stations for such cables between the Hawaiian Islands and Japan that lie north of the tenth degree or parallel of North latitude in the North Pacific Ocean."

With these amendments we recommend the passage of the bill, and it is our opinion that if within the next two years a cable is laid between the Pacific Coast of America and here, these Islands will enter into an era of prosperity of every nature and kind that will be second only to that which was given us by the country at whose door we are now knocking for admission.

CECIL BROWN.

H. P. BALDWIN.

G. N. WILCOX.

H. W. SCHMIDT.

H. L. HOLSTEIN.

NOTICE OF INTENTION.

Minister Damon gave notice of his intention to introduce an Act to appropriate money for the expenses of the Legislature.

Senator Holstein submitted the following request to the

Minister of Foreign Affairs:

"Will you please furnish the Senate with an itemized account of the expense of the President and suite to the United States in the months of January, February and March, 1898, accompanied by vouchers.

H. L. HOLSTEIN."

FIRST READING.

Under suspension of the rules Minister Damon introduced Senate Bill 38, an Act to appropriate additional money for the expenses of the Legislature, which passed first reading.

On motion of Senator Brown Senate Bill 28, third reading, was made the special order for Wednesday, May 3, to take precedence of Senate Bills 11 and 12.

SECOND READING.

Senate Bill 34, ancient heiaus and puuhonuas, was taken up with the report of the committee and the bill passed second reading. Third reading set for May 5.

Senate Bill 37, was taken up on second reading, read by title and referred to the Judiciary Committee.

Senate Bill 22 was next taken up.

On motion the following items were inserted and passed:

On line 29a.

North Kohala--

Road from Puakea to Mahukona, $5000.

Purchase of rock crusher for Kohala, $2000.

Court House at Kailua, $2500.

The item of $36,000 for new road from Kailua to Nahiku passed.

The item "Completion of Diamond Head Lighthouse $4000" was amended to read "$2500 thereof to be first expended in erecting a substantial stone tower for support to such light."

The bill then passed second reading as amended. Third reading set for May 9.

House Bill 74, notices of change of assessment, was taken up on second reading with the report thereon.

On motion of Minister Damon Section 1 was amended by in-

serting on line 8 of the certified bill after the word "written" the words "or printed." The bill then passed second reading as amended. Third reading set for May 4.

House Bill 42, duty on spirituous liquors, passed second reading. Third reading set for May 4.

House Bill 71, alcohol for the use of the Queen's Hospital, passed second reading. Third reading set for May 4.

At 11:40 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

Senate Chamber,

May 4, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Northrup.

Minutes of May 3rd were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. May 3, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to transmit to you certified copies of House Bill 72, prohibiting the erection of barbed wire fences in certain places, which bill passed its third reading in the House of Representatives this day.

Also that the House desires a conference with House Joint Judiciary Committee to whom Senate amendments to Substitute to House Bill 35 have been referred.

Likewise I have the honor to forward to your honorable

body certified copies of House amendments to Senate Bill 19, re Kaliu and Makiki Parks.

I have the honor to be,

Your obedient servant,

JAS. N. K. KEOLA,

Clerk of the House.

REPORTS.

Senator Baldwin presented the following report:

"Your Special Committee, to whom was referred Bill 15, entitled "An Act to provide the Oahu Railway & Land Company with land for wharves in Honolulu harbor, beg leave to report that we have had the same under careful consideration.

The object of this bill is to direct the Minister of the Interior to convey in fee simple at an appraised valuation to the said Oahu Railway & Land Company for wharf purposes, a long narrow strip of wharf frontage bordering on the land owned by said Railway Company on the Ewa side of the harbor and at the harbor terminus of their railroad and where their wharf is located.

Asuit is now pending in the Courts between the Minister of the Interior and the said Railway Company relative to this same strip of water frontage, but as your committee understand it the Attorneys for the Railway Company, fearing lest they may lose the case in the Courts, have had this bill introduced in the Legislature, providing as stated above that the Minister of the Inter-

ior shall deed the water frontage in question to the Railway Company at an appraised valuation.

The equity suit now pending between the Minister of the Interior and the Oahu Railway Company may be stated more fully as follows: The suit is brought to obtain an injunction against the O. R. & L. Co. proceeding with condemnation proceedings for securing the fee in said harbor frontage which was leased by the Minister of the Interior to the Railway Company in 1890 with the agreement in the lease that the Minister of the Interior can take back the leased land on ninety days' notice and payment of actual cost of improvements made by the company.

The Government has rested its claim in this case on the right given to the Minister of the Interior by this agreement, and that the Government has the right to take the property for public wharves, and that such public use is superior to that proposed by the railway company.

The railway company on the other hand claim that its wharf plan presents superior public advantages over that of the Government.

Whether the railway company has legally acquired or can legally acquire the ownership of the harbor property in question is the issue in the case.

In regard to the question as to whether the Legislature should take up and decide questions of this nature your Committee

are of the opinion that all cases which can be settled by the Court should be left for the Court to settle. This has been the position that has usually (though not always) been taken by the Legislature in the past.

As legislators, we were elected to pass appropriations and make laws for the country, but not to execute the laws or to sit as a court of equity, and it would be well for the Legislature to fully bear in mind that the Constitution clearly defines the powers and functions of the three branches of the Government--the Executive, the Legislative and the Judicial--and that it is the intent of that instrument that the powers of these three branches of government "shall be preserved distinct" in their different capacities. The Legislature has the power to interfere with the policy of the Executive, but in our opinion it is unwise to do so unless the course being pursued by them is manifestly unjust, or is against the public interests.

The Legislature has also been called upon in the past to settle claims in cases where Government officials have incurred obligations or expenditures on account of the Government that were unauthorized by law and where certain parties would unjustly suffer loss unless the Legislature authorized the settlement of the claims.

There have been claims of this sort arising from unauthorized expenditures by Government officials that it has been right and proper for the Legislature to settle, as they were cases

that lacked the authority of law and for that reason could not be settled by the courts.

But this is not true of the case now on trial between the Minister of Interior and the Oahu Railway Company, for this company has the advantage in going to court of being backed up by laws which grant liberal rights and privileges.

Moreover, the Minister of the Interior has full authority under the Railroad Acts to sell or grant to the Railway Company the land or water front that the Bill before us proposes that the Legislature shall grant to said Company. In the opinion of the committee the construction of these laws should be left to the courts to decide.

It being a case, then, that is fully and amply covered by law, and a case that is now actually pending in the courts, it does not seem to your committee that it would be right or proper for the Legislature to interfere with the course of the Executive in the premises by passing the Act before us.

We therefore recommend that the bill be laid on the table.

As soon as the Supreme Court decides whether the Government under the agreement between it and the railway company can take back this land, the Government will know what to recommend relative to harbor and wharf plans.

If the case is decided in favor of the railway company, and the Government decides to obtain this wharf property, a large ap-

propriation will be required to enable the Government to acquire by condemnation proceedings this land and other land of the Company in its rear.

Honolulu harbor is so limited that your committee wish to express with emphasis our view that the Government should obtain and retain control of all the water front possible in the harbor, for it seems plain to us that in the near future it will be necessary to expend much larger sums of money for developing up the wharf capacity of the harbor than any individual, company, or corporation would be ready to spend for that purpose.

H. P. BALDWIN.

W. H. RICE.

CECIL BROWN.

G. N. WILCOX

J. A. McCANDLESS.

Senator Holstein submitted the following report:

"Your Special Committee who were appointed to visit the Settlement of Kalaupapa and Kalawao, in Molokai, after an inspection on the 30th ult., have now the honor to report as follows:

According to arrangements made by the Honorable Board of Health, we were joined by the Committee of the House of Representatives, and a few of the members of the said Board detailed on a similar mission. On the arrival of your Committee at the

Settlement a thorough and careful inspection and investigation was held by them of all the matters in interest, and find that great improvement in the matter of roads, sanitation and the like have been made by the Board of Health to whom an expression of commendation and approval is herewith given.

The question of paramount importance to the inmates of the Settlement is that of water and wood. The Senate has considered and passed an appropriation of $20,000.00 for new water pipes for Kalaupapa which appears in the Loan Bill, which is hoped to be ample for the reconstruction of new mains to the lower Settlement, in order that sufficient water could be procured to irrigate lands with the object of tree planting. If trees can be grown successfully at the Settlement with proper care and attention a sufficient supply of wood can be assured the people there for all time to come. As the Board of Health is seriously considering such a proposition, we will pass by that subject knowing that the consummation of the project is in good hands, and we hope the Board will be successful in their endeavors in this respect to promote the welfare and comfort of those poor and afflicted who are in its general acceptation the "nation's wards."

At a public meeting held some of the afflicted offered to your committee's consideration a few complaints, which we have at a later date considered carefully and in the majority of cases referred them to the president of the Board of Health for

attention. It may be well to enumerate for the information of the Senate their respective requests:

1. That their rations of flour, bread and rice be placed upon the basis of a money valuation.

2. The non-enforcement of an order of the Board to fence their respective cultivated plots.

3. That awa and opium be allowed those formerly in the habit of using them.

4. That the mail-carrier's salary be increased from $15 per month to $20.

5. That kerosene oil be supplied in quantities of one quart per person.

6. That the mail route be changed from Kaunakakai and to Honolulu direct to the Settlement.

7. That in litigation a right of appeal to the Circuit Court be given them.

8. That cemeteries be fenced, and graves be dug by the Board.

9. That aresident magistrate be allowed them.

10. Poor quality of flour.

11. Three thousand five hundred dollars for wharf appropriation.

12. The erection of coffee shops at Kalaupapa by the Government, for which an appropriation of $1000 had been allowed

at the last Session, and lastly,

That relatives be allowed to visit them semi-annually.

The majority of these grievances have been submitted to the president of the Board of Health with the recommendations thought fit by the committee, and we are certain will receive such attention as is meet and proper.

Your committee after many inquiries found that the rations furnished the inmates are sufficient and ample for their individual needs. There was no substantial complaint of the insufficiency of their food stuffs, and we would invite your perusal of page.....of the report of the Board of Health of the amount of rations allowed each one.

Your committee are aware that the colony at Molokai have the country's deepest affection and its most earnest solicitude, and recognizing that fact we were asked by the numbers at the meeting to convey back to the nation their sentiment of gratitude and appreciation.

In conclusion and on behalf of the nation, we deeply appreciate the work of the noble sisters and brothers there residing for their help and assistance in rendering comfort to the suffering and afflicted in that distressed colony.

H. L. HOLSTEIN.

J. KAUHANE.

J. N. WRIGHT.

A. N. KEPOIKAI.

A. HOCKING.

ANSWERS.

Minister Cooper presented his answer to questions propounded by Senator Kepoikai, which was read by the clerk and ordered to be filed.

BILLS SIGNED.

Minister King reported that the President had signed the following bills on May 3, 1898:

Act 23. An Act relating to Circuit Judges.

Act 24, relating to the Penal Code and penal laws.

NOTICE OF INTENTION.

Minister Cooper gave notice of his intention to introduce a bill to amend Section 2 of Chapter 80 of the Session Laws of 1892, restricting Chinese Immigration.

Senator Rice from the Printing Committee reported printed answers to the questions propounded by Senator Holstein concerning refunding the debt.

THIRD READING.

Senate Bill 28, wine and beer licenses, was taken up on third reading.

Senator Baldwin's motion to indefinitely postpone was lost.

The bill then passed by the following vote:

Ayes--Holstein, Hocking, Kepoikai, Brown, McCandless, Schmidt, Wright, Wilcox--8.

Noes--Kauhane, Lyman, Baldwin, Waterhouse, Rice--5.

House Bill 74, notices of assessment, passed third reading as amended by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown, McCandless, Waterhouse, Schmidt, Wright, Rice, Wilcox--13.

House Bill 42, duty on spirituous liquors, etc., came up on third reading.

Senator McCandless' motion to indefinitely postpone was lost.

The bill then passed third reading by the following vote:

Ayes--Holstein, Hocking, Baldwin, Kepoikai, Brown, Schmidt, Wright, Wilcox--8.

Noes--Kauhane, Lyman, McCandless, Waterhouse, Rice--5.

House Bill 71, alcohol for the use of the Queen's Hospital, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown, McCandless, Waterhouse, Schmidt, Wright, Rice, Wilcox--13.

Noes--0.

COUNCIL OF STATE.

The Senate then proceeded to elect five members of the Council of State:

The following were placed in nomination: Cecil Brown, W. C. Wilder, C. Bolte, J. A. Kennedy, P. C. Jones, J. N. Wright, J. A. McCandless, George R. Carter, M. Robinson, John Ena, H. Waterhouse, and J. B. Atherton.

The following withdrew their names and refused to serve if elected: W. C. Wilder, J. N. Wright, H. Waterhouse, and J. A. McCandless.

A ballot was then had with the result that Cecil Brown received 13 votes, P. C. Jones 12, C. Bolte 11, M. Robinson 9, John Ena 9, J. B. Atherton 6, J. A. Kennedy 3, W. C. Wilder 2 and George R. Carter 2.

Thereupon President Wilder announced that Messrs. Brown, Jones, Bolte, Robinson and Ena were elected.

AT 11:50 A. M. the Senate took a recess to 1:30 P. M.

SECOND READING.

After recess Senate Bill 33, amendments to Land Act, was taken up on second reading.

Section 1 passed as in the bill.

Section 2 was stricken out.

Section 3 was amended to read Section 2 and further amended by striking out the words: "by adding at the end of the same the following words," in line 2 and inserting in their place the words "so that it shall read as follows" (then copy the whole of Section 30 of Land Act 1895.)

Section 2 was then passed as amended.

Sections 4, 5, 6 and 7 were then amended to read Sections 3, 4, 5 and 6 and passed.

The title was amended by striking out the figures "18."

The bill then passed second reading as a whole.

Third reading set for May 6.

Senate Bills 11 and 12 were taken up and considered together with the report. On motion the report was adopted and both bills laid on the table.

Senate Bill 21, cable communication, was taken up with the report of the Special Committee.

Senator Brown ordered two amendments to Sections 1 and 2 which were ordered typewritten.

After some discussion the further consideration of the bill was postponed to Monday, May 9th, at the request of the Executive.

Senate Bill 38, appropriation for the expenses of the Legislature, passed second reading. Third reading set for May 5.

House Bill 60, relating to the importation of opium, was referred to the Special Committee on the Opium Bill.

The Judiciary Committee was appointed a special conference committee on House Bill 35, with Senate amendments.

FIRST READING.

House Bill 72, barbed wire fences, passed first reading.

Under suspension of the rules the bill was read a second time by title and passed. Third reading set for May 5.

On motion of Senator Holstein the answer of the Minister of Interior to the questions of Senator Kepoikai on the Kahului wharf were ordered printed.

House amendments to Senate Bill 19 were put on the order of the day for May 5.

At 3:30 P. M. the Senate adjourned.

Attest:

George Manson

Clerk.

SIXTY-EIGHTH DAY.

Senate Chamber,

May 5, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Northrup.

Minutes of May 4th were read and approved.

REPORT.

Senator Brown from the Joint Judiciary Committee reported that a conference had been held with the Joint Judiciary Committee of the House on House Bill 35 and an agreement had been reached which had been reported to the House.

THIRD READING.

Senate Bill 34, ancient heiaus and puuhonuas, was read a third time and passed by the following vote:

Ayes--Kauhane, Lyman, Baldwin, Kepoikai, Brown, Schmidt, Wright, Rice, Wilcox--9.

Noes--Holstein, Hocking, McCandless--3.

Senate Bill 38, appropriating money for the expenses of the Legislature, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, McCandless, Schmidt, Wright, Rice, Wilcox--11.

Noes--Brown.

House Bill 72, barbed wire fences, was deferred to May 12.

House amendments to Senate Bill 19 were taken up and on motion the Senate concurred in the amendments to the title and Section 1 and refused to concur in the amendment to Section 3 as unnecessary.

Minister Cooper presented a list of heiaus at present in existence as far as can be ascertained.

Minister Cooper also presented a statement of expenses of President Dole's visit to the United States in answer to the request of Senator Holstein. Referred to the Judiciary Committee.

On motion Senate Bill 15, setting apart land for railroad wharves, was made the special order for Monday, May 9th.

At 11:15 A. M. the Senate adjourned.

Attest:

George Mauzon

Clerk.

SIXTY-NINTH DAY.

Senate Chamber,

May 6, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Baldwin and McCandless.

Minutes of May 5th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. May 5, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of House Bill 73 re descent of property, and House Bill 80, re laundering clothing, towels, etc., which bills passed their third reading in the House of Representatives this 5th day of May, 1898.

Also I have the honor to inform you that the House this day adopted the joint report of the Joint Judiciary Committee

in re Senate amendments to Substitute to House Bill 35, relating to claims against the estates of deceased persons, recommending to amend section 2 by substituting the word "two" for "three" in the fourth and fifth lines of the typewritten version.

And further I have the honor to inform you that the House this day concurred in Senate amendments to House Bill 74, re notice of increase of assessments, and said bill will be referred to Passed Bills Committee as soon as the amendments are inserted in the bill.

Very respectfully yours,

JAS. N. K. KEOLA,

Clerk.

FIRST READING.

Senator Schmidt introduced Senate Bill 39, licenses to make wine from Hawaiian grapes, which passed first reading and was ordered printed.

Senator Brown presented the report of the Joint Judiciary Committee on the conference with the House Committee on House Bill 35, claims against estates of deceased persons, and the same was laid on the table to await the return of the bill.

THIRD READING.

Senate Bill 33, amendments to Land Act 1895, passed third

reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

FIRST READING.

Minister Cooper introduced and read Senate Bill 40, Chinese immigration, which passed first reading and was ordered printed.

House Bill 80, laundering of clothing, passed first reading.

House Bill 73, descent of property, passed first reading.

At 10:45 A. M. the Senate adjourned to Monday, May 9, 1898.

Attest:

George Mansom

Clerk.

SEVENTY-FIRST DAY.

Senate Chamber,

May 9, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; all the members present.

Minutes of May 6th were read and approved.

REPORTS.

Senator Rice from the Printing Committee reported Senate Bill 40, relating to Chinese immigrants, printed and ready for distribution.

Senator Brown from the Joint Passed Bills Committee reported that House Bill 42, re duty on spirituous liquors; House Bill 71, re alcohol for use of the Queen's Hospital; and Senate Bill 38, expenses of the Legislature, had been presented to the President for his signature and approval this day.

PETITION.

Senator Holstein presented a petition from members of the band at Kalaupapa, Molokai, asking for an appropriation for salaries, etc. Referred to the Committee on Public Health.

Minister Cooper returned to the Senate on behalf of the President Senate Bill 7, without the approval of the President, and more than ten days having elapsed since its presentation to him for approval.

THIRD READING.

Senate Bill 22, appropriations from the Loan Fund, was next taken up on third reading.

Minister Cooper moved that the item "Harbor Improvements, Honolulu, $95,000" be increased to $215,000, and presented a statement of how the same was proposed to be spent.

On motion the item was ordered inserted in the bill and referred to the Special Committee on Harbor Affairs with instructions to report on Friday, May 13th, to which day further consideration of the bill was deferred.

SECOND READING.

Senate Bill 21, authorizing the laying of cables, was

taken up on second reading.

Minister Cooper on behalf of the Executive presented a number of amendments to the bill, which were ordered referred to the Special Cable Committee. The bill was then deferred to await the report of the committee.

Senate Bill 15, setting apart certain lands for the use of the railroad, came up on second reading.

Senator Brown moved that the bill pass.

Recess to 1:30 P. M.

After recess the debate on the motion to pass Senate Bill 15 was resumed.

The motion to pass the bill was lost by a vote of 8 to 6.

The report of the committee was then adopted and the bill laid on the table?

House Bill 73, descent of property, was referred to the Judiciary Committee.

House Bill 80, laundering of clothing, passed second reading. Third reading tomorrow.

HOUSE MESSAGES.

The following communications were received from the House:

Honolulu, H. I. May 4, 1898.

Hon. W. C. WILDER,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of House Bill 52, re amending Part V of the Land Act of 1895, which bill passed its third reading in the House of Representatives of the Republic of Hawaii this day.

Also that Substitute to House Bill 5 re licenses, and House Bills 41, re steam laundries, 54, re adulteration of food and drugs, and 59, re importation of foreign goods, with all the Senate amendments to said bills which were concurred in by the House have all been referred to the Passed Bills Committee for presentation to the President for his consideration.

May 6, 1898.

I have the honor herewith to transmit to you certified typewritten versions of House Bill 50, relating to the Auditor-General's department, said bill having passed third reading before the House of Representatives of the Republic of Hawaii this day by an unanimous vote.

Also I have the honor to inform you that the House this day has receded from its proposed amendment to Section 3 of Senate Bill 19 re River and Makiki Parks, for the proposed amendment in question was caused by the House being guided by looking in the printed instead of the typewritten version. Said bill and amendments are herewith returned for your final action.

Honolulu, H. I. May 9, 1898.

I have the honor to inform you that Senate Bill 38, relating to a further appropriation of $15,000 for the expenses of the present Session of the Legislature, passed third reading before the House of Representatives of the Republic of Hawaii on May 7, 1898, and said bill has been referred to the Passed Bills Committee.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

A communication was read from members of the Citizen's Guard, asking for the appointment of a Joint Committee in regard to the site of the Carter Memorial Fountain.

In connection with the above a communication from the House was read stating that the House had appointed Representatives Isenberg, Pogue and Gear as a Committee to represent the House and asking the Senate to appoint a similar committee.

On motion the Committee on Public Lands was appointed to represent the Senate in the matter.

Senator Brown called up House Bill 35, relating to claims against estates of deceased persons, and the conference report in relation thereto, and on motion the same was adopted.

NOTICE OF INTENTION.

Minister Cooper gave notice of his intention to introduce a bill to regulate the opening of streets on private lands in the district of Honolulu; also of a bill to establish a Marine Park on the East side of Honolulu harbor.

Senate Bill 40 was referred to the Committee on Foreign Relations on second reading.

EXECUTIVE SESSION.

At 2:45 P. M. the Senate went into executive secret session.

At 2:55 P. M. the regular open session was resumed, and on motion of Senator Waterhouse the Senate adjourned.

Attest:

George Manson

Clerk.

SEVENTY-SECOND DAY.

Senate Chamber,

May 10, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Holstein.

Minutes of May 9th were read and approved.

THIRD READING.

House Bill 80, prohibiting the sprinkling of clothing from the mouth, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Hocking, Kepoikai, McCandless, Schmidt, Wright, Rice, Wilcox--10.

Noes--Brown, Waterhouse--2.

FIRST READING.

House Bill 52, amending Part V of the Land Act, passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Committee on Public Lands.

House Bill 50, relating to the Auditor-General's department, was read the first time and passed. Under suspension of the rules the bill was read a second time by title and referred to the Finance Committee.

Sections 11G, 36 and 37 were ordered typewritten.

Senate Bill 29 with the report of the Committee was taken up on second reading, and the committee amendments all adopted.

Sections 2 and 8 were further amended by the insertion of the words, "and in the town of Hilo, Island of Hawaii."

Section 34 was stricken out.

Section 33 was amended by inserting the words, "before the District Magistrate."

The title was amended by adding the words: "and the town of Hilo, Island of Hawaii."

The bill as amended then passed second reading as a whole. Third reading set for Friday, May 13.

Under suspension of the rules Senator Rice from the Printing Committee reported Senate Bill 39 printed and ready for distribution.

NOTICE OF INTENTION.

Under suspension of the rules Senator Lyman gave notice of his intention to introduce a bill providing for the construction of a railway in the Island of Hawaii.

At 11:55 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

SEVENTY-THIRD DAY.

Senate Chamber,

May 11, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Holstein.

Minutes of May 10th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolul, H. I. May 10th, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that House Bill 64, relating to amending the law relating to promoting the construction of railways, passed third reading in the House of Representatives of the Republic of Hawaii this 10th day of May, and certified copies of said bill are herewith transmitted for your further consideration.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

REPORTS.

Senator Brown submitted the following report and Substitute Bill:

"The Special Committee to whom was referred the Opium Bill beg leave to report that they have prepared a substitute bill in the place of the one referred, which they herewith submit for the consideration of the Senate. The substitute bill places the importation and sale of opium in the Board of Health, and may be said to be an offshoot of the so-called Gothenburg or Scandinavian system, w hich places evils of this kind, notably the use of liquor, in the hands of the Government and not in the hands or under the control of private individuals to make money out of and from the folly and evil habits of their fellow men.

This committee in introducing this substitute bill do so thinking that it will in some manner lessen the smuggling, and as said the consequent corruption and,bribery that follows the use and smuggling of this contraband drug, and do not wish to be understood as favoring or countenancing the evil, but as some people will smoke opium, and the opium although contraband is plentiful, it is thought that this bill may lessen the use and stop the smuggling.

The Committee recommend that the bill go into effect on January 1, 1899, and in the meantime the Board of Health can be

preparing its rules and regulations and make all necessary arrangements, and as the Act will have been tried before the next meeting of the Legislature that body can repeal or amend the same as the facts of its operation warrant.

The bill originally introduced was not such a one that could commend itself, and was cumbersome and intricate; the substitute is simple and any opium smoker or user of opium by enrolling his name in the district in which he lives may obtain a sufficient quantity to use in each day.

The only,expense to the user of opium under the new bill is its cost laid down in the district where he resides and a duty at the rate of $3 per pound; the committee think that the less expense attending the cost, the less likelihood there will be of smuggling.

In submitting the bill the committee earnestly hope that it will be the means of checking the smuggling and the many rumors of bribery and corruption, and also the checking an increase in the use of the drug.

We recommend that Bill 10 be laid on the table.

CECIL BROWN.

H. P. BALDWIN.

H. L. HOLSTEIN.

FIRST READING.

The substitute bill was read the first time and passed and referred to the Printing Committee.

Senator Lyman introduced and read Senate Bill 42,, authorizing the construction of a railroad on Hawaii, which passed first reading and was referred to the Printing Committee.

REPORT.

Under suspension of the rules Senator Waterhouse Submitted the following report:

"Your Committee of Finance, to whom was referred House Bill 50, known as the Audit Act, beg leave to report as follows:

As the Senate is already aware this committee has been engaged since the beginning of the present session in an examination of the accounts of the various Departments and Bureaus of this Government. In so doing we have become very Keenly alive to the immediate necessity of such a law as the one before us, especially with reference to the money received for the Government. In this respect there is today absolutely no check nor any means of ascertaining whether the amounts set forth on the books of the various departments are correct or not.

The provisions of this bill had received considerable attention at our hands before its reference to us, hence we are enabled to state at this early date our opinion of it and to make this early report.

We believe the bill to have been very carefully drawn, and for the reasons above set forth and others not necessary to be elaborated we are convinced that the necessity of such a bill

has become so apparent that we have no hesitation in promptly recommending its passage.

HENRY WATERHOUSE.

H. W. SCHMIDT.

G. N. WILCOX.

Under suspension of the rules Senator Baldwin submitted the following report:

"Your Committee on Commerce has considered Senate Bill 36 and begs leave to report as follows:

It seems to us that a license fee for the sale of milk should be as low as possible. Milk is a necessity of life and not a luxury like tobacco and cigars. The license fee for selling tobacco and cigars is $10.00 and we believe that the fee for selling milk should be less. We are in doubt whether it should be $1 or $5 but feel that in every case it should be merely nominal, and only for the sake of Government control.

In regard to,the amendment to Section 83 we find that it consists merely in the adding of the words "the" and "Judicial" in the last line, and this is evidently for the purpose of defining to what districts the law has reference.

We recommend that the bill pass, the amount of the license for selling milk to be fixed by the Senate.

H. P. BALDWIN.

A. N. KEPOIKAI.

H. W. SCHMIDT.

House Bill 72, barbed wire fences, was ordered deferred to Wednesday, May 18th.

FIRST READING.

House Bill 64, amending the Railroad Act, passed first reading.

SECOND READING.

House Bill 50, audit act, with report of committee, was taken up and the bill passed second reading without amendment. Third reading set for May 12th.

Senate Bill 36, milk and notaries' licenses, was taken up with report of committee.

Section 83 was amended by inserting after the word "Honolulu" the words "and Five Dollars for the First Judicial Circuit outside of Honolulu."

The bill then passed second reading as amended.
Third reading set for May 13th.

The Acting Minister of Interior presented his answer to the questions propounded by Senator McCandless concerning the new Pacific Mail slip, and the same was referred to the Committee on Public Lands.

At 12:05 P. M. the Senate adjourned.

Attest:

George Mauson

Clerk.

SEVENTY-FOURTH DAY.

Senate Chamber,

May 12, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Holstein.

Minutes of May 11th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, May 11, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that House Bill 70, re public cemeteries, and House Bill 85, appeals from decisions of District Magistrates, and Senate Bill 35, re National Guard of Hawaii, all passed their third readings in the House of Representatives of the Republic of Hawaii this 11th day of May. The foregoing House Bill 85 is herewith transmitted for your further consideration, and Senate Bill 35

has been referred to the Passed Bills Committee.

I have also the honor to forward to you certified House Joint Resolution 1 in re appointing a commission of three persons to present a bill relating to tax on incomes at the next Session of the Legislature, said Joint Resolution having been adopted by the House this day.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

FIRST READING.

Minister Cooper introduced Senate Bill 43, to establish a Marine Park in Honolulu harbor, which passed first reading and was referred to the Printing Committee.

Minister Cooper introduced Senate Bill 44, relating to the opening of streets through private property, which passed first reading and was referred to the Printing Committee.

BILLS SIGNED.

Minister Cooper reported that the President had signed the Acts relating to the duty on Spirituous Liquors, alcohol for the use of the Queen's hospital and for further expenses of the Legislature.

Senate Bill 39, licenses for making wine, was read by title and referred to the Committee on Commerce.

THIRD READING.

House Bill 50, audit act, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Hocking, Baldwin, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

SECOND READING.

House Bill 64, to amend Part V of the Land Act, was read by title and referred to the Committee on Public Lands.

House Bill 85, relating to appeals from District Courts, passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Judiciary Committee.

JOINT RESOLUTION.

House Joint Resolution #1 was taken up, as follows:

Whereas, the present systems of taxation are in many respects unjust, unfair and unreasonable, and that a thorough adjustment and reorganization of the present system of taxation is imperative;

BE IT RESOLVED, by the Senate and House of Representatives that the President, by and with the approval of the Cabinet, shall immediately after the approval of this resolution appoint a Commission of three (3) members, who shall consider ways and means for the improvement and adjustment of the License, Property, Income and Poll Tax systems; and shall report at the next Session of the Legislature some bill or bills for such improvement and adjustment, together with any recommendations which they may see fit.

RESOLVED FURTHER, that there be set apart in the Appropriation Bill from any available funds in the Treasury the sum of Five Thousand Dollars ($5000.00) for the remuneration and expenses of such Commiss ion.

On motion the resolution was unanimously adopted.

At 11 A. M. the Senate adjourned.

ATTEST:

George Manson

Clerk.

SEVENTY-FIFTH DAY.

Senate Chamber,

May 13, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by Rev. Dr. Berger.

Roll call; absent Senator Holstein.

Minutes of May 12th were read and approved.

REPORTS.

Senator Rice from the Printing Committee reported Senate Bill 43 printed and ready for distribution.

Senator Brown from the Committee on Passed Bills reported the following bills presented to the President on May 12th at 11:45 A. M.:

Senate Bill 35, relating to the National Guard of Hawaii.

Senate Bill 19, relating to parks at Kaliu and Makiki.

House Bill 80, laundering of clothing.

House Bill 50, auditing of public accounts.

Joint Resolution re Commission on Taxation.

Senator Baldwin presented the following report:

"Your Special Committee on Harbor Improvements, to whom was referred the following item in Appropriation Bill 22: "Harbor Improvements, Honolulu, $119,000," beg leave to report that we have investigated the matter as far as possible in the short time given the committee.

The item is made up as follows:

EXCAVATION, 188 feet by 800 feet by 28 feet deep 4,267,200 cubic feet or 158.040 cubic yards at 35¢	$55,300.00
WHARF, 40 feet wide on mauka side and 80 feet on makai side, (800 by 120) 96,000 square feet at 80¢	76,800.00
CONDEMNATION OF LAND	10,000.00
RETAINING WALL	7,500.00
	$149,600.00
Less amount now in Loan Bill	30,000.00
	$119,600.00

The proposition is to excavate a slip near the old fish market and construct a wharf on the mauka and makai sides of said slip.

Your committee approves of this and consider the appropriation asked for these two items a reasonable figure; we also approve of the $10,000 item for condemning land.

We are, however, extremely doubtful about the item asked for of $7500 for retaining wall.

The proposition is to build a retaining wall, or more properly a dam to divert the Nuuanu stream, and divert it in a channel to be dug about 1200 feet long towards the flat between the O. R. & L. Co. wharf and the slaughter house, with a view to spreading out the stream over said flat. We have investigated this proposition in company with civil engineers, and feel extremely doubtful about the advisability of attempting the project. The flat where it is proposed to discharge the Nuuanu stream, which appears to be a coral bed, is higher than the bottom of said stream at and above the King street bridge, and a dam that would raise the water so that it would flow over this flat would probably raise the stream at the King street bridge in case of a heavy freshet, from two to three feet or more higher than it now raises and thus endanger property along the banks of the stream, and possibly carry away the King street bridge.

A channel of great width would according to its width prevent the water from rising much in the stream, but such a channel would take up valuable land.

Senator Brown presented the following report:

"The Special Committee to whom was referred Act 21 relating to telegraphic communication between the United States, Hawaii and Japan, together with the amendments proposed by the Minister of Foreign Affairs, report that they have given the matter careful thought and consideration and are still of the same opinion as evidenced by their former report made to this body on the 3d instant.

This committee have, in order to prevent any possible failure of obtaining cable communication with other countries by reason of the failure to procure such cable communication under this Act, from any causes whatsoever, had prepared an Act which is herewith submitted amending Section 2 of Act 17 of the laws of the Special Session of 1895 which will authorize the President with the consent of the Cabinet to enter into a contract for an exclusive right or privilege for maintaining a cable between here and Japan upon the same lines as laid down in the bill now under consideration.

The Act proposed to be amended is still in force and the powers and concessions thereby authorized to be given and made can at any time be given to any person or corporation that gets the contract thereby authorized. The Government of course would not, nor could it, grant an exclusive right as provided in the amendment, if such right had already been granted by the Legislature previous to the entering into of a contract under Act 17.

This committee in order to prevent any complications that might arise by reason of objections made by the United States to the Act now under consideration recommend that at the end of Section 9 of said Act the following be inserted:

"Provided, however, and it is hereby declared that the contract herein provided for, shall not take effect and no rights granted by this Act to the Pacific Cable Co. shall be vested or secured, until the approval of said contract by the United States Government, shown by a written approval thereof signed by the Secretary of State.

With this amendment, the committee recommend that the Act pass as recommended by them in their report of the 3d instant."

The new bill introduced by the committee, Senate Bill 45, passed first reading and was ordered printed.

Senate Bill 22, with the report of the committee was then taken up, and the item "Harbor Improvements, Honolulu, $95,000" amended to read $225,000 and passed as amended with the following proviso:

"Provided, that no money from this appropriation shall be spent in the erection of a retaining wall across the mouth of the Nuuanu stream nor in changing the present course or flow of the Nuuanu stream as it flows into Honolulu Harbor."

The bill was then referred to the Revision Committee.

SECOND READING.

Senate Bill 21, cable communication, with the reports of the Special Committee dated May 3d and 13th, were then taken up.

Sections 1 and 2 were amended as recommended in the report of May 3d and passed.

Sections 3, 4, 5, 6, 7 and 8 passed as in the bill.

Section 9 was amended as recommended in the report of May 13th and passed.

The bill then passed second reading as a whole.

Third reading set for Monday, May 16.

Senate Bill 43, establishing a marine park, was read by title and referred to the Committee on Public Lands.

At 12:10 P. M. the Senate adjourned to Monday, May 16.

Attest:

George Manson

Clerk.

SEVENTY-SEVENTH DAY.

Senate Chamber,

May 16, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Holstein.

Minutes of May 13th were read and approved.

Minister Cooper reported Acts 29, 30 and 31 signed by the President; also the Joint Resolution relative to the taxation system.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. May 12, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that House Bill 79 re veterinary surgery; Substitute to House Bill 57 re incorporated companies, and Senate Bill 30, appeals and

bills of exception with House amendments thereon, have all passed third reading in the House of Representatives of the Republic of Hawaii this 12th day of May, and said bills together with House Bill 70 re public cemeteries, which bill passed third reading on the 11th instant are herewith submitted for your further consideration.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

REPORTS.

Senator Lyman from the Committee on Passed Bills reported that Senate Bill 17 and House Bills 59, 35, 5, 54, 74 and 41 had been presented to the President on Saturday, May 14, 1898, at 11:15 A. M. for his approval.

THIRD READING.

Senate Bill 22, appropriations from the Loan Fund, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Hocking, Baldwin, Kepoikai, Brown, McCandless, Wright, Rice, Wilcox--11.

Noes--0.

On motion of Senator Brown the third reading of Senate Bill 21, cable communication, was deferred to Tuesday, May 17.

Senator Rice from the Printing Committee reported Senate Bill 45 printed and the second reading thereof was set for Tuesday, May 17.

House amendments to Senate Bill 30 were taken up and referred to the Judiciary Committee.

FIRST READING.

House Bill 57, incorporated companies, passed first reading and was ordered printed.

House Bill 79, veterinary surgery, passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Committee on Public Health.

House Bill 70, public cemeteries, passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Committee on Public Lands.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. May 16, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you

that House Bill 55, Rapid Transit Company, and Senate Bill 17, registry of vessels, passed third reading in the House of Representatives of the Republic of Hawaii on May 13, 1898.

Also House Concurrent Resolution #2, relating to condemning Youmans estate, was adopted by the House on the same day, and on May 14th House Bill 56, relating to extending the provisions of the Land Act to private lands, and Senate Bill 9, promoting the construction of railways on the Island of Oahu, passed their third reading in the House.

Senate Bills 9 and 17 have been referred to Passed Bills Committee, while House Bill 55 will be forwarded to you as soon as returned from the typewriter. House Bill 56 and Concurrent Resolution are herewith transmitted for your consideration.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

House Bill 56, extending provisions of the Land Act to private lands, passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Committee on Public Lands.

Concurrent Resolution #2 was referred to the Committee on Public Lands.

At 11:15 A. M. the Senate adjourned.

Attest:

George Mannon

Clerk.

SEVENTY-EIGHTH DAY.

Senate Chamber,

May 17, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Holstein.

Minutes of May 16th were read and approved.

REPORTS.

Senator Brown from the Judiciary Committee reported verbally in favor of adopting the amendments of the House To Senate Bill 30, relating to appeals, and on motion the Senate adopted the report and concurred in the amendments. The Bill was then referred to the Revision Committee.

Senator Rice from the Printing Committee reported House Bill 57 and Senate Bills 41 and 45 printed and ready for distribution.

Senator Lyman submitted the following report:

"Your Committee on Public Lands to whom was referred Senate Bill 43, being an Act to establish a marine park on the east side of Honolulu harbor, have considered the same and inspected the location and beg to report as follows:

The place proposed to be reserved for the purpose is at the extreme outer end of the present sea wall, towards the sea, on the east side of the entrance to Honolulu harbor, and is not suitable for wharfage purposes, and could not be used for any purpose without much labor and expense filling in, to raise it above sea level, which can be done in time from the dredging of the harbor.

The trustees of the Bishop Estate Museum desiring to use a portion of the reservation for a free public marine aquarium and marine zoological laboratory, will of course make great improvements to the place, which is for the public good. Any improvements that can be made on the place will enhance the beauty and value of Honolulu harbor and city.

Your Committee recommend the passage of the bill.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

Senator Lyman also presented the following report:

"Your Committee on Public Lands, to whom was referred House Bill 70, relating to public cemeteries, have considered

the same and beg to,report:

That we consider the bill a good one to supply the needs of the public, with the exception of the clause at the end of the second section: Provided, however, etc., which makes it appear inconsistent, after leaving it all to the discretion of the Minister of the Interior to select the sites, and with the approval of the Executive Council to purchase suitable lands from private owners. This said proviso should be omitted.

With this amendment your Committee recommend the passage of the Bill.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

Minister Cooper reported Acts 32, 33, 34, 35, 36 and 37 signed by the President.

Senator Lyman submitted the following report:

"Your Committee on Public Lands, to whom was referred House Bill 56, being "An Act to extend certain provisions of Land Act 1895 to private lands," have considered the same and beg to report that we do not look with favor upon the idea of the Government going into the business of selling lands for private individuals, and without compensation for time and trouble; it seems impracticable.

Your committee recommend that the bill be laid upon the table.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

Senator Baldwin presented the following report:

"Your Committee on Commerce, Agriculture and Manufacture, to whom was referred Senate Bill 39, beg leave to report that we have considered the same. This bill amends Act 82 of the Laws of the Provisional Government of 1894, which was amended by Act 58 of the Session Laws of 1896, relating to licensing the manufacture of wine from Hawaiian grapes.

Said law provides that all wines manufactured under the provisions of the law shall be sent to the nearest custom house to be stored in bond till it is sold to a licensed dealer.

Bill 39 proposes to amend this provision of said law so that the manufacturer of wine shall be allowed to sell directly to a licensed dealer and not be called upon to send his wine to the custom house.

As there seems to be no good and valid reason why we should not grant the manufacturer of wines in this country the above privilege your committee recommend the passage of the Act.

We find it necessary to amend the title of the bill, and

herewith introduce the title as amended on typewritten slips.

H. P. BALDWIN. . .

A. N. KEPOIKAI.

H. W. SCHMIDT.

Senator Lyman submitted the following report:

"Your Public Lands Committee to whom was referred House Bill 64, being "An Act to amend an Act entitled an Act to promote the construction of railways," approved August 1, 1878, by adding a new section thereto to be called Section 3A, have considered the same and beg to report as follows:

The object of this bill seems to be for the purpose of better carrying out the principle that the Government should own and control all harbors and landings, by limiting the placing of railroad wharves to "low water mark."

The bill also forbids the building or maintaining any bridge over any river beyond low water mark, which would make it prohibitory to build a railroad in some places where the bridge needed is near the sea.

Your committee therefore recommend to strike out the word "bridge" in line 7 and substitute the word "high" for "low" in the 8th line, so that the section as amended shall read:

"Section 3A. But nothing in this Act shall be construed to authorize any such corporation to enter upon or take any tide waters, nor in anywise hinder, obstruct or interfere with

navigation in or upon any public navigable waters, nor to erect, build or maintain any pier, jetty or wharf in, upon or over any harbor, bay or river beyond high water mark."

Your committee recommend the passage of the bill with these amendments.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

FIRST READING.

Minister Cooper gave notice of and under suspension of the rules introduced Senate Bill 46, to regulate certain agreements made under the provisions of the Homestead Act of 1874, And Senate Bill 47, to amend Parts 4, 6, 7 and 8 of Land Act 1895, both of which passed first reading and were referred to the Printing Committee.

THIRD READING.

Senate Bill 21, cable communication, was taken up on third reading.

On motion of Senator Brown the following amendment was added to Section 9 and passed: "And further provided that such written approval shall be obtained within six months from the date of the approval of the Act."

The bill then passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Baldwin, Kepoikai, Brown, McCandless, Wright, Rice, Wilcox--10.

Noes--Hocking--1.

SECOND READING.

Senate Bill 45, amending the cable Act of 1895, passed second reading.

Third reading set for May 18.

At 11:30 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

SEVENTY-NINTH DAY.

Senate Chamber,

May 18, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; all the members present.

Minutes of May 17th were read and approved.

THIRD READING.

Senate Bill 45, amending Cable Act of 1895, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Holstein, Hocking, Baldwin, Kepoikai, Brown, Waterhouse, Schmidt, Wright, Rice, Wilcox--13.

Noes--0.

SECOND READING.

Senate Bill 39, wine made from Hawaiian grapes, with the report of the committee thereon, was taken up on second reading, and the amendments offered by the committee were adopted.

On motion of Minister Smith the word "correct" in the latter portion of the form of the bond was changed to read "sworn."

The bill then passed second reading as amended.
Third reading set for Friday, May 20.

Senate Bill 10, opium licenses, was taken up on second reading and on motion the bill was laid on the table.

Senate Bill 41, regulating the importation and sale of opium, was then taken up on second reading, with the report of the Special Committee thereon.

Senator Waterhouse's motion to indefinitely postpone was lost.

The bill was then read section by section and numerous amendments made thereto. In all places where the word "license" occurs it was changed to "permit" and in all places where the words "licensing board" occurred they were changed to read "opium board."

In Section 5 the words "Government Physician" were changed to read "A member of the Opium Board to be designated by the Board of Health", and at the end of the section was added:

"Provided, however, that the provisions of this Act shall not be construed to apply to any licensed physician who shall prescribe opium for medical purposes as now authorized by law."

The bill then passed second reading as amended.

Third reading set for Monday, May 23.

RECESS.

During the consideration of this bill the Senate stood at recess from 12 noon to 1:30 P. M.

Senate Bill 43, establishing a marine park, with the report of the Committee on Public Lands, was taken up. On motion the report was adopted and the bill passed second reading.

Third reading set for May 20.

Senate Bill 44, relating to streets through private lands, was read by title and referred to the Committee on Public Lands.

House Bill 57, incorporated companies, was read by title and referred to the Judiciary Committee.

House Bill 64, amending the Act relating to the construc) tion of railways, with the report of the Committee on Public Lands was taken up on second reading and the report of the

committee striking out the word "bridge" in line 7 and substituting the word "high" for "low" in line 8 adopted. The bill then passed second reading as amended.

Third reading May 20.

Under suspension of the rules Senator Rice reported Senate Bills 42 and 46 printed.

House Bill 70, public cemeteries, with the report of the committee on Public Lands, was taken up on second reading, and the report of the committee striking out the proviso at the end of Section 2 adopted. The bill then passed second reading as amended.

House Bill 56, extending provisions of Land Act to private lands, with report of Public Lands Committee, was taken up on second reading. On motion the report of the committee was adopted and the bill laid on the table by a vote of 7 to 5.

House Bill 72, barbed wire fences, was deferred to May 25.

Senate Bill 46, agreements of sale under Homestead Act, was read by title and referred to the Committee on Public Lands.

Senate Bill 42, to establish a railroad on Hawaii, was read by title and referred to the Committee on Public Lands, with Senator Kepoikai to act in place of Senator Lyman on the bill.

House Bill 55, rapid transit company bill, was taken up on first reading. At the end of the reading of Section 4 Senator Brown moved to adjourn, whereupon at 3:15 P. M. the Senate adjourned.

Attest:

George Manson

Clerk.

EIGHTIETH DAY.

Senate Chamber,

May 19, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Brown and Waterhouse.

The minutes of May 18th were read and approved.

REPORTS.

Minister Cooper reported that Act 38, relating to certain licenses, had been signed by the President.

Senator Rice from the Printing Committee reported Senate Bill 47 printed and ready for distribution.

On motion of Senator Rice Senator Waterhouse was granted leave of absence for the balance of the Session on account of ill health.

FIRST READING.

House Bill 55, first reading, was taken up as unfinished business, and the bill passed first reading.

On motion the bill was read a second time by title and referred to the Committee on Public Lands with the addition of Senators Kepoikai and Brown. The bill was also ordered to be printed.

It was also ordered that Senators Brown and Lyman be added to the committee on Senate Bill 42, Hilo Railway bill.

Senate Bill 47, amendments to Land Act, was read by title and referred to the Committee on Pu blic Lands.

Senators Kepoikai and Baldwin were granted leave of absence until Monday, May 23.

At 10:45 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

EIGHTY-FIRST DAY.

Senate Chamber,

May 20, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Lyman, Baldwin, Kepoikai, Waterhouse and Brown.

Minutes of May 19th were read and approved.

On motion of Senator McCandless the third reading of Senate Bill 39, relating to Hawaiian wine, was deferred to May 23.

THIRD READING.

Senate Bill 43, marine park, passed third reading by the following vote:

Ayes--Kauhane, Northrup, Holstein, Hocking, McCandless, Schmidt, Wright, Rice, Wilcox--9.

Noes--0.

House Bill 64, amending Act relating to the construction of railways, passed third reading as amended by the following vote:

Ayes--Kauhane, Northrup, Holstein, Hocking, McCandless, Wright, Rice, Wilcox--8.

Noes--Schmidt--1.

House Bill 70, public cemeteries, passed third reading by the following vote, as amended by the Senate:

Ayes--Kauhane, Northrup, Holstein, Hocking, McCandless, Schmidt, Wright, Rice, Wilcox--9.

Noes--0.

At 10:15 A. M. the Senate adjourned, to meet again on Monday, May 23, 1898.

Attest:

George Manson

Clerk.

EIGHTY-FOURTH DAY.

Senate Chamber,

May 24, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Brown and Waterhouse.

Minutes of May 23d were read and approved.

REPORTS.

Senator Lyman from the Committee on Passed Bills reported Senate Bill 30, relating to appeals, presented to the President at 9:30 A. M. this day.

Senator Lyman presented the following report:

"Your Public Lands Committee to whom was referred Senate Bill 44, being "An Act to regulate the opening of streets on private lands in the District of Honolulu" have considered the same, and beg to report as follows:

The Bill provides that the owners of private lands who desire to open them to the public by laying out streets on such lands in the district of Honolulu, shall first submit the plan

of the proposed streets to the Minister of the Interior for approval, which is a wise provision, in order that there may be some uniformity to the street system, and that it be under the control of the Government, which is to take charge of and maintain the same after completion.

Your committeee approve the Bill.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

On motion the report was adopted, which carried the bill through second reading.

Third reading set for May 26.

Senator Lyman submitted the following report:

"Your Public Lands Committee to whom was referred Senate Bill 46, being "An Act relating to certain agreements of sale under the provisions of the Homestead Act of 1884 and its amendments" have considered the same and beg to report:

That this act is to ratify the action of the Minister of the Interior in certain Homestead agreements made, giving two lots of pasture land to each person, in certain cases, in the District of North Kona, Island of Hawaii, when the old Homestead law only allowed one lot to each person.

The circumstances of these cases seemed to require a division of the land, giving one portion of it at one place and the other portion in a different place, but otherwise conforming to the Statute, and Senate Bill 47 provides for just such cases hereafter.

Your Committee recommend the passage of the bill.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCÁNDLESS.

Senator Lyman submitted the following report:

"Your Public Lands Committee to whom was referred House Bill 52, being "An Act to amend Part V of Land Act 1895," have considered the same and beg to report as follows:

This Act is practically to revive Section 24 of the Land Act, which ran out by limitation in six months after the passage of the Land Act. It is now sought to revive the said Section and make it perpetual.

Such a provision may work well in some exceptional cases, but your committee do not approve of the principle, and fear that it would open the way for many abuses of the law that would be avoided if there is no such provision on the Statute.

Your Committee recommend that the bill be laid upon the table

F. S. LYMAN.
H. P. BALDWIN.
J. A. McCANDLESS.

Senator Holstein introduced the following resolution which was adopted:

BE IT RESOLVED, that this 24th day of May, 1898, being Her Britannic Majesty's natal day, the Senate do now adjourn in honor of and commemoration of said day.

So at 10:08 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

EIGHTY-FIFTH DAY.

Senate Chamber,

May 25, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Waterhouse and Brown.

Minutes of May 24th were read and approved.

REPORTS.

Senator Lyman submitted the following report:

"Your Public Lands Committee to whom was referred the Concurrent Resolution passed by the House of Representatives in regard to certain work then being done in Honolulu harbor in the neighborhood of the old fishmarket wharf, and in regard to condemning certain property for wharf purposes in Honolulu harbor, have considered the same and beg to report as follows:

Your committee are informed that said work was immediately stopped when the Resolution was presented in the House, and the preliminary steps were taken by the Minister of the Interior to condemn the property specially referred to in the Resolution;

so that, although the matter is now in the shape that is asked for by the Resolution and may seem to be unnecessary at the present moment, still the passage of said Concurrent Resolution by the Senate would certify our approval of the present action of the Government in the matter.

Your Committee therefore recommend its passage.

H. P. BALDWIN.

F. S. LYMAN.

J. A. McCANDLESS.

On motion the report was adopted and the resolution passed.

RESOLUTION.

Senator Holstein presented the following resolution:

RESOLVED, that the sum of Five Dollars be inserted in the Appropriation Bill #4 to refund A. K. KUNIAKEA for double payment of taxes in 1895."

On motion the resolution was referred to the Finance Committee.

NOTICE OF INTENTION.

Senator Holstein gave notice of his intention to introduce a bill imposing a duty on chicory, etc., and under suspension of the rules introduced the same.

FIRST READING.

The bill was then read the first time, passed and ordered printed.

PETITION.

Under suspension of the rules Senator Holstein read a petition from residents of Hilo in regard to the Hilo Railway bill, which was referred to the committee having charge of the bill.

Consideration of Senate Bill 41, third reading, was deferred to May 26.

SECOND READING.

Senate Bill 46, relating to agreements for patents under Homestead Act, was taken up with the report of the Committee on Public Lands on second reading, and on motion the report of the committee was adopted and the bill passed second reading.

Third reading set for May 26.

House Bill 52, to amend Part V of the Land Act, was taken up with the report of the Public Lands Committee, and on motion the report was adopted and the bill laid on the table.

Consideration of House Bill 72 was again deferred to Monday, May 30.

At 10:30 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

EIGHTY-SIXTH DAY.

Senate Chamber,

May 26, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Brown and Waterhouse.

Minutes of May 25th were read and approved.

REPORTS.

Minister Cooper reported that the President had signed Act 39, the audit act, on May 24th.

Senator Rice from the Printing Committee reported Senate Bill 48 printed and ready for distribution.

On motion the third reading of Senate Bill 41 was postponed to May 30.

THIRD READING.

Senate Bill 44, relating to extension of streets in Hono-

lulu, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Holstein, Hocking, Baldwin, Kepoikai, McCandless, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

Senate Bill 46, relating to certain Homestead agreements, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Northrup, Holstein, Hocking, Baldwin, Kepoikai, McCandless, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

Senate Bill 48, duty on chicory, was read by title and referred to the Committee on Commerce.

At 10:20 A. M. the Senate adjourned.

ATTEST:

George Manson

Clerk.

EIGHTY-SEVENTH DAY.

Senate Chamber,

May 27, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Baldwin, Brown and Waterhouse.

Minutes of May 26th were read and approved.

On motion the third re ading of Senate Bill 41, heretofore set for Monday, May 30th, was postponed to Tuesday, May 31st.

On motion of Senator Wright the Senate adjourned to Tuesday, May 31st at 10 A. M.

Attest:

George Manson

Clerk.

NINETIETH DAY.

Senate Chamber,

May 31, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

Minutes of May 27th were read and approved.

MESSAGES FROM THE PRESIDENT.

The following messages were received from the President:

"To the Legislature of the Republic of Hawaii:

In accordance with the constitutional provision relating thereto and with the approval of the Cabinet, I have appointed the following persons as members of the Council of State for the ensuing term: John Nott, S. K. Ka-ne, John Phillips, J. A. Kennedy, M. A. Gonsalves.

SANFORD B. DOLE.

Executive Chamber,

May 27, 1898.

To the Legislature of the Republic of Hawaii:

By virtue of the authority in me vested by the Constitution and with the approval of the Cabinet, I hereby extend the present session of the Legislature for not more than thirty days.

SANFORD B. DOLE.

By the President,

HENRY E. COOPER,

Minister of Foreign Affairs.

Executive Chamber,

May 31, 1898.

HOUSE MESSAGES.

The following communications were received from the House:

Honolulu, H. I. May 27, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that a resolution was adopted by the House of Representatives of the Republic of Hawaii this day, instructing the Committee on Passed Bills, acting in conjunction with the Senate Committee, to inform the President of the Republic of Hawaii that an extension of the session was necessary in order to complete the work of the session.

Also I have the honor to inform you that the House this

day refused to concur to Senate amendments to House Bill 70 re public cemeteries, and the House desires a conference with its Joint Public Lands Committee.

Senate amendments to House Bill 64, re promoting the construction of railways, were concurred in by the House this day, and said bill and amendments have been referred to the Revision Committee in their usual course.

Honolulu, H. I. May 28, 1898.

Relative to my communication to you on the 27th inst. in re Senate Committee acting in conjunction with House Committee to see the President in regard to extension of session, I have to state That the House Passed Bills Committee was instructed this day to go and see the President and ask for an extension of the session in order to complete its work without waiting for the Senate committee, for the House,has since learned that you will not meet again until Tuesday, May 31.

Very respectfully,

JAS. N. K. KEOLA,

Clerk House of Representatives.

President Wilder stated that Senator Northrup had notified him that he was forced to leave for home on account of ill-health and would not be back for the remainder of the session.

THIRD READING.

Senate Bill 41, relating to opium, was taken up on third reading and the following amendments adopted:

In Section 1 after the words "provided by" strike out the words "the provisions of."

In Section 3 strike out the words "whose duties shall be to" and insert in their place "who shall in its discretion"; also strike out the words "who shall cause his or her name to be enrolled" and insert in their place the words "whose name shall have been enrolled by said Opium Board". Also at the end of the Section add a new paragraph as follows:

"Provided, however, that it shall not be lawful to enroll upon said list the name of any minor, nor any person not already accustomed to use or smoke opium."

In Section 4 on the first line strike out the words: "each Government physician" and insert instead the words "the Opium Board."

In the proviso at the end of Section 5 after the words "licen sed physician who shall" insert the word "lawfully" and after the words "medical purposes" insert the words "nor to the importation and sale of opium by any licensed druggist."

In Section 6 after the words "freight, storage, cartage," strike out the words "and a charge at the rate of three dollars per pound."

In Section 7 after the words "Queen's Hospital" insert the word "and" and strike out all the words after the words "Leper Settlement."

In Section 8 after the word "regulations" strike out the words "and penalties for infraction of such rules and regulations." And lower down in the section after the word "regulations" strike out the words "and penalties."

In Section 11 after the first three words insert the words "of each Judicial District."

In Section 15 after the words "transferable, and" insert the words "every such permit."

The whole of Section 17 was struck out, but that action was reconsidered and the section referred to the Opium Committee.

The remaining sections of the bill, together with proposed amendments to Sections 17 and 18 were referred to the Special Committee in charge of the bill and further considera-

tion of the bill was deferred to await their report.

Senator Kepoikai was granted leave of absence to Saturday, June 4.

On motion the Joint Public Lands Committee was appointed to confer with the same House Committee on House Bill 70, relating to public cemeteries..

Senator Brown from the Passed Bills Committee under suspension of the rules reported that Senate Bill 9, relating to the further construction of railroads, had been presented to the President this day.

At noon the Senate adjourned.

Attest:

George Manson

Clerk.

NINETY-FIRST DAY.

Senate Chamber,

June 1, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Kepoikai and Waterhouse.

Minutes of May 31st were read and approved.

Minister Cooper reported that the President had signed Act 40, relating to appeals and bills of exceptions, on May 27.

HOUSE MESSAGE.

The following communication was received from the House.

Honolulu, H. I. May 31, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of the following bills which passed their third reading in the House of Representatives of the

Republic of Hawaii this day:-

Substitute to House Bill 83, re weights and measures.

House Bill 86, further providing for the payment of current accounts.

House amendments to Senate Bill 33, amending Land Act 1895, with original Senate Bill 33.

House amendments to Senate Bill 34, puuhonuas and heiaus, with original Senate Bill 34.

House Bill 81, brands, marks and estrays.

House Bill 84, employment agency.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

PETITIONS.

Under suspension of the rules Senator Baldwin presented several petitions on the Rapid Transit Act, which were referred to the committee in charge of the bill.

REPORTS.

Senator Schmidt submitted the following report:

"Your Committee on Finance, to whom has been referred the resolution of May 25, to refund to A. K. Kuniakea the sum of $5.00 for double payment of taxes in 1895, and to insert the said amount in the Appropriation Bill #4, beg leave to report

that they have investigated the matter in question and find that A. K. Kunuiakea's agent in Honolulu had duly paid his personal taxes on the 15th of July, 1895, but that later on in November, 1895, the Deputy Tax Collector in Kau, Hawaii, has again collected the taxes from him together with 10% penalty, viz: 50 cents.

This is evidently merely a clerical error, and it is to be regretted that such an error cannot be corrected by the Tax Collector General or the Minister of Finance. The two tax receipts are before us and we return them with the resolution.

We therefore recommend that said resolution be referred to the House of Representatives for action, as the Appropriation Bill #4 is now in their hands.

We find that the request is justified and should be granted and the amount of $5.50 should be refunded to A. K. Kunuiakea.

H. W. SCHMIDT.

J. H. WRIGHT.

G. N. WILCOX.

Senator Brown submitted the following report:

"Your Special Committee on the Opium Bill to whom was referred Sections 17, 18 and 20, the latter being a new section, appropriating the sum of Ten Thousand Dollars for the purpose of carrying out the provisions of the Act, report that the introduction of Section 20 placing $10,000 in the control of the

Board of Health will in the opinion of the committee, after remodeling Section 18, place the Board with sufficient money under its control to handle the opium for the first year; such being the case we recommend that Section 17 of the bill be stricken out.

We recommend Section 18 be re-numbered Section 17 and read as follows:

"Section 17. All money received from the sale of opium and the issuing of permits shall be paid by the Opium Boards monthly to the Board of Health, and all money so received shall be held by the Board of Health and be used by such Board in carrying out the provisions of this Act; and any surplus that may be in hand at the close of the biennial period shall be paid into the Treasury as a Government realization, with a full and detailed account of all receipts and expenditures. The Secretary of the Board of Health shall keep an account in books kept specially for such purpose of all opium withdrawn from the custom house, and furnished to the Opium Board of each Judicial District, together with the cost of importing such opium, and all charges incidental to such importation and the furnishing thereof, and shall keep an account of all monies received from the sale of such opium delivered as hereinbefore provided."

We think that the sum of $10,000 will be ample together with what money will come in during the first year of the working of this Act for the purpose of carrying out and demonstra-

ting whether or not the present Act will be practicable and enforceable. It has been the custom for years back to compel every department as it receives money to pay the same immediately into the Treasury as a realization; but in the present case as this Act will only have been in operation a year before the next Legislature is in session, and by that time it will have been ascertained without a doubt how much money will be required for the purposes of carrying out the provisions of this Act, we have made the exception, and allowed the Board of Health to use such money, provided the appropriation of $10,000 is insufficient.

With these amendments we recommend the bill pass.

On motion of Senator Baldwin further consideration of House Bill 72 was deferred for one week.

Senate Bill 41, opium, with the report of the Committee was taken up and on motion the report was adopted, striking out Section 17 and re-numbering Section 18 as amended by the committee.

Section 18 then passed as follows:

"Section 18. All opium imported into the Republic other than by the Board of Health shall be seized and forfeited to the Government and delivered to the Board of Health.

All opium now in the possession of the Board of Health or that shall hereafetr come into its possession, which shall be suitable for use under the provisions of this Act, shall be so used. The value to be placed upon such opium shall be the cost of imported opium of corresponding quality and three dollars per pound additional."

Section 19 passed as in the bill.

Section 20 was inserted as follows and passed:

"Section 20. The sum of Ten Thousand Dollars is hereby appropriated out of any money in the Treasury for the purpose of carrying out the provisions of this Act."

Section 20 of the original bill was then amended to read Section 21 and passed as amended.

The bill was then referred to the Revision Committee.

Senate Bill 34, puuhonuas and heiaus, with House amendment thereto was taken up, and on motion the House amendment was concurred in.

Senate Bill 33, amending Land Act of 1895, with House amendment thereto was taken up, and on motion the House amend-

ment was concurred in.

House Bill 83, weights and measures, passed first reading. Under suspension of the rules the bill was read again by title and referred to the Committee on Commerce.

House Bill 86, further providing for the payment of current accounts, passed first reading, and under suspension of the rules was read again by title and referred to the Committee on Finance..

Senator Wright was appointed to serve on the Finance Committee in place of Senator Waterhouse for the balance of the term.

House Bill 81, brands, marks and estrays, passed first reading. Under suspension of the rules the bill was read again by title and referred to the Judiciary Committee.

House Bill 84, employment agency, passed first reading. Under suspension of the rules the bill was read again by title and referred to the Miscellaneous Committee.

At 11:30 A. M. the Senate adjourned.

Attest: George Manson
Clerk.

NINETY-SECOND DAY.

Senate Chamber,

June 2, 1898.

The Senate was called to order at 10:15 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Baldwin, Kepoikai and Waterhouse.

RESOLUTION.

Senator McCandless introduced the following resolution, which was adopted:

RESOLVED:- That the Minister of Public Instruction be requested by the Senate to give the public school children a holiday on tomorrow, Friday, June 3, as well as today in honor of the visiting American troops.

Senator Brown then moved that the Senate do adjourn to Monday, June 6th. Carried.

So at 10:20 A. M. the Senate adjourned.

ATTEST: George Manson

Clerk.

NINETY-FIFTH DAY.

Senate Chamber,

June 6, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Kepoikai, Brown and Waterhouse.

Minutes of June 1st and 2nd were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 1, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to inform you that House Bill 8 re tax on incomes, and Substitute to Senate Bill 26, repealing Schedule E, otherwise known as Section 68 of Act 51 of the Session Laws of 1896, both passed their third readings in the House of Representatives of the Republic of Hawaii this day, and certified copies of said bills are here-

with transmitted for your further consideration.

Very respectfully yours ,

JAS. N. K. KEOLA,

Clerk of House of Representatives.

Senator Holstein presented a communication from T. H. Davies & Co., referring to the bill proposing a duty on chicory, etc., which was read and referred to the Committee on Commerce.

REPORTS.

Senator Schmidt from the Committee on Accounts reported that the May bills against the Senate to the amount of $817.15 had been audited and allowed, and the clerk was authorized to draw the warrants therefor.

Senator Rice from the Printing Committee reported House Bill 83 printed by order of the Committee on Commerce.

Senator Holstein presented the following report:

"The Judiciary Committee to whom was referred House Bill 73, being an Act to amend Section 1448 of the Civil Code relating to the descent of property report: That under the law of descent of property now existing a person who was related to the party so dying beyond the line of brother or sister of either parent could not come in for a share; by that law it

prevented a grandfather inheriting from his grandchild if there were no other relations on the father or mother's side, and escheat to the government for lack of statutory heirs would take place.

The Act under consideration removes all that and an escheat will now take place upon a total failure of kindered. The Chief Justice in his report recommends that the law now on the statute books be amended on a line with the bill under consideration. The Committee thinks that as long as there are any blood relations or kindred of the person dying intestate in existence no escheat should take place, and therefore recommend the passage of the bill.

CECIL BROWN.

H. L. HOLSTEIN.

F. S. LYMAN.

Senator Lyman submitted the following report:

"Your Judiciary Committee to whom was referred House Bill 85, being an Act relating to appeals from the decisions of District Magistrates and amending Section 68 of Chapter 57 of the Session Laws of 1896, have considered the same and beg leave to report as follows:

It appears that this bill is similar to the law of 1886 and allows any party aggrieved by the decision of a District Magistrate the right of appeal to the Circuit Judge at chambers if

he so desires, instead of going before a jury as now. This pr ovision was satisfactory when in use formerly, and tends to lessen the work of juries in petty offenses and in civil cases.

Your committee recommends the passage of the bill.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

Senator Holstein presented the following report:

"The Judiciary Committee to whom was referred House Bill 57, relating to corporations, organized under the laws of foreign countries, report that the main object of the bill is to compel foreign corporations doing business here to file an annual exhibit of the conditions of their business affairs thus placing them on the same footing as domestic corporations.

The Act also provides that foreign corporations shall not have any of the special powers or privileges conferred upon railroad or banking corporations; we do not believe that foreign corporations should enjoy special powers or privileges conferred upon home or domestic corporations, and as long as they have and enjoy the powers necessary for the general conduct and carrying on of an ordinary business venture they should be satisfied; the fact of their being incorporated in a foreign country is a sufficient answer to the non-enjoyment of special powers, as such special powers may be obtained by incorporating

in this Republic.

We do not believe this law can affect any existing foreign corporations as to the power or right of their enjoying such special powers either at law or by treaty, as the powers if taken advantage of or acquired have become vested rights or property rights, and as such no law this Legislature can pass can divest them of, as under our Constitution vested rights of property are protected and can only be taken in the manner and for the purposes provided by the Constitution.

Under existing law there was no penalty for the non-performance or observance by foreign corporations of our laws in regard to corporations. The law under consideration gives the Minister of the Interior power to compel an exhibit of their books and papers touching the business carried on by them, and upon a refusal to exhibit as requested the equity side of the Court can be invoked to compel such an exhibit upon penalties and liabilities set forth in the Act.

We recommend the passage of the bill.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

Senator Schmidt presented the following report:

"Your Committee on Finance has examined House Bill 86, and finds that it is the same bill on which we reported two years

ago and which has been a law as Act #1 since March, 1896. But by its Section #3 which reads as follows: "No moneys shall be received under the authority of this Act after the Lst day of April, 1898" it has now expired.

This section is not renewed in the present bill, but instead of it the following words are inserted "during each biennial period"; Section 1, line 2.

Also the following words have been inserted in the new bill, Section 1, lines 6 and 7, "in the aggregate" and in section 4, lines 2 and 3, "under appropriations made by the Legislature", all of which needs no further explanation.

Otherwise it is to all intent the same bill, and all the reasons which caused us to pass the bill in 1896 hold good today, and we therefore recommend the passage of the bill.

H. W. SCHMIDT.

G. N. WILCOX.

J. H. WRIGHT.

Senator Holstein presented the following report:

"Your Judiciary Committee to whom was referred Senate Bill 37, defining the eligibility of persons to hold public office, have carefully considered the measure and beg to report that the bill in order to be properly in form for its passage should have its title amended so that it shall read as follows: "An Actdefining eligibility of persons to hold public office and

to repeal Act 42 of the Session Laws of 1874, entitled "An Act to provide for the taking of the oath of allegiance by persons in the employ of the Hawaiian Government, and to repeal Chapter 8 of the Session Laws of 1876, entitled "An Act to amend an Act entitled "AN ACT to provide for the taking of the oath of allegiance by persons in the employ of the Hawaiian Government."

Your Committee further recommend that Section 2 of the Bill be amended to read as follows:

"Chapter 42 of the Session Laws of 1874 and Chapter 8 of the Session Laws of 1876 are hereby repealed."

The purpose of the Act is so thoroughly explained in its first section that it needs no comments, and we therefore think that the bill should pass.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

Senator Holstein also presented the following report:

"Your Judiciary Committee to whom was referred House Bill 81, relating to pounds, estrays and brands, have had the measure under consideration, and beg leave to report as follows:

The object of the bill is not only to impose a specific amount to be charged against an estray for notices that the Pound Master may post, which is stated in Section 1 of the bill,

but intends to make it unlawful for an animal to trespass upon any Government road in and around the City and towns as enumerated, leaving all other Government roads of as much importance to travel or traffic and to preservation of property to be trespassed upon without any restriction whatever, although a forced construction may be made in case of a trespass upon "any Government land" as covering a trespass upon a Government road.

Your committee feel that in order that the bill should cover trespasses upon all Government roads in the Republic and that no implied construction be made, recommend that the bill be amended and the following words be inserted in Section 11A on line 5 after the word "Maui"--"or upon any Government road bounded on both sides by a legal fence."

With this amendment we recommend the passage of the bill.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

QUESTION.

Senator McCandless submitted the following question to the Minister of Foreign Affairs:

"Has the representative of Spain to this country entered a protest against allowing the United States using these islands as a coaling station and supply station? If so, will you please furnish the Senate a copy of such protest."

SECOND READING.

House Bill 73, descent of property, was taken up with the report and passed second reading.

Third reading on June 7th.

House Bill 85, appeals from District Magistrates, with the report thereon was next taken up. The report was adopted and the bill passed second reading.

Third reading June 7th.

House Bill 57, relating to incorporated companies, with the report thereon was then ta ken up. On motion the report was adopted and the bill passed second reading.

Third reading on June 7th.

House Bill 81, pounds, estrays, marks and brands, with report of the committee thereon was next taken up.

On motion the words "and District" after the word "Hilo" in line 3 of section 11A were stricken out.

On motion Section 11A was further amended by inserting on line 5 after the word "Maui" the words "or upon any Government road bounded on both sides by a legal fence."

The bill then passed second reading as amended.

Third reading on June 7th.

House Bill 86, further providing for the payment of current accounts, with the report of the committee was taken up, and on motion the report was adopted, which carried the bill through second reading.

Third reading on June 7th.

Further action on Senate Bill 37 was deferred until the return of Senator Kepoikai.

House Substitute to Senate Bill 26, relating to Schedule E, passed first reading.

On motion the bill was read a second time by title and referred to a special committee consisting of Senators Baldwin, McCandless, Wilcox, Brown and Lyman.

House Bill 8, income tax, passed first reading.

On motion the bill was read a second time by title and referred to the same committee as the Substitute to Senate Bill 26.

At 11:30 A. M. the Senate adjourned.

Attest: George Munson
Clerk.

NINETY-SIXTH DAY.

Senate Chamber,

June 7, 1898.

The Senate met at 10:10 A. M. Vice-President Kauhane in the chair.

Prayer by the chaplain.

Roll call; absent Senators Wilder, Northrup, Kepoikai and Waterhouse.

Minutes of June 6th were read and approved.

Vice-President Kauhane asked Senator Rice to take the chair for the balance of the morning as he had important business to attend to.

ANSWER.

Minister Cooper presented his answer to the question propounded by Senator McCandless regarding the protest entered by the Spanish Vice-Consul against the use of these Islands as a coaling station by the United States during the war with Spain,

together with copies of the correspondence, which were ordered placed on file.

CONFERENCE REPORT.

Senator Lyman submitted the following report:

"Your Public Lands Committee who were authorized by the Senate, on the request of the House of Representatives, to meet their committee in conference on the Senate amendment to House Bill 70, relating to cemeteries, in which the House did not concur, beg to report: That the Joint Conference Committee has considered the matter, and by a majority vote of four to two decided to accept the amendment, and pass the bill as amended by the Senate.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

On motion the report was adopted.

Senator Hocking from the Revision Committee reported Senate Bill 41 as revised and ready for third reading.

THIRD READING.

House Bill 73, descent of property, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, Brown, McCamdless, Schmidt, Wright, Wilcox--9.

Noes--0.

House Bill 85, appeals from district magistrates, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, Brown, McCandless, Schmidt, Wright, Wilcox--9.

Noes--0.

House Bill 57, relating to incorporated companies, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, Brown, McCamdless, Schmidt, Wright, Wilcox--9.

Noes--0.

House Bill 81, pounds, estrays, etc., as amended by the Senate, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, Brown, McCandless, Schmidt, Wright, Wilcox--9.

Noes--0.

House Bill 86, further providing for payment of current accounts, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, McCandless, Schmidt, Wright, Wilcox--8.

Noes--Brown--1.

Under suspension of the rules Senator Baldwin submitted the following report:

"Your Committee on Commerce, Agriculture and Manufacture, to whom was referred House Bill 83, entitled, an Act to amend Sections 13 and 15, to repeal Section 14 and to add a new section to be called Section 17A of Chapter 65 of the Penal Code, relating to weights and measures, beg leave to report that we have had the same under careful consideration. The most important amendments are as follows:

Section 2 repeals Section 14 of Chapter 65 of the Penal Code. This section refers to the duties of the respective Governors of the Islands, in regard to trying weights and measures and sealing the same. As we have no Governors now, the Section is obsolete and should be stricken out.

Section 3 amends Section 15 of Chapter 65. The most important amendment of said section, and in fact of the bill, reads as follows: "All fees collected under this Section shall be paid into the Treasury as Government realization."

Section 4 adds a new section, to be called Section 17A, which reads as follows:

"Any person who shall wilfully and fraudulently change any beam, weight or measure after the same shall have been tested and sealed, shall be liable to a conviction in any District Court, to pay a fine not to exceed Fifty Dollars for each such offense."

There are other minor amendments in the bill to the present law, which will be explained when the bill comes up for consideration.

Your committee favors the bill and recommends its passage.

H. P. BALDWIN.

H. W. SCHMIDT.

H. L. HOLSTEIN.

Senate Bill 41, regulating the sale and importation of opium, passed third reading by the following vote:

Ayes--Lyman, Holstein, Hocking, Baldwin, Brown, McCandless, Schmidt, Wright, Wilcox--9.

Noes--0.

SECOND READING.

House Bill 83, weights and measures, with the report of the committee, was considered and the bill passed second reading.

Third reading set for June 8.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 6, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that the House of Representatives of the Republic of Hawaii inserted this day in Senate Bill 4 the item of $5.50, reimbursement of A. K. Kunuiakea for double taxes paid by him in 1895, and the Senate Resolution and report of the Senate Finance Committee relative thereto are herewith returned to you.

Very respectfully,

JAS. H. K. KEOLA,

Clerk of the House.

At 11:07 A. M. the Senate adjourned.

ATTEST:

George Mansom

Clerk.

NINETY-SEVENTH DAY.

Senate Chamber,

June 8, 1898.

The Senate met at 10 A. M. Vice-President Kauhane in the chair.

Prayer by the chaplain.

Roll call; absent Senators Wilder, Northrup, Holstein, Kepoikai and Waterhouse.

Minutes of June 7th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 7, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that the following bills passed their final readings in the House of Representatives of the Republic of Hawaii this 7th day of June:

Senate Bill 21, cable bill, with House amendments.

House Bill 36, repeal of poll tax.

Substitute to Senate Bill 27, jurisdiction of Circuit Courts, the original Senate Bill having been laid on the table this day.

Senate Bill 45, amending Cable Bill of 1895, and said bill has been referred to the Passed Bills Committee.

Also the report of Joint Public Lands Committee on Senate amendments to House Bill 70, public cemeteries, was adopted this day, and said bill and amendments together with Joint Report 182 are herewith returned to you for further action.

Also House Bill 36, amendments and Senate Bill 21, and Substitute to Senate Bill 27 are likewise forwarded to your honorable body for further consideration.

Very respectfully,

JAS. N. K. KEOLA,

Clerk House of Representatives.

Vice-President Kauhane called Senator Rice to the chair for the remainder of the sitting.

REPORT.

Senator Baldwin submitted the following report:

"Your Committee on Commerce, Agriculture and Manufacture, to whom was referred Senate Bill #48, entitled "An Act to impose specific duties upon chicory, raw or otherwise, and upon caramel

cereal or other substitutes of coffee," beg leave to report that we have had the same under consideration.

The bill provides for a duty of 25 cts a pound on chicory, caramel cereal or other substitutes of coffee.

Chicory can be laid down here and sold for 8 or 9 cents a pound, and it is used to cheapen the price of ground coffee put up in tins or paper packages for customers who wish to purchase a cheap article of coffee. It is not in any way harmful or deleterious to health, and a great many who have become accustomed to its use in coffee prefer coffee that has been adulterated with it.

There is a large demand for a cheap article of coffee by the poor classes of people in this and all countries, and if a duty is imposed on chicory sufficient to make the article expensive other materials that come in from the United States free of duty, such as parched or roasted wheat, barley, rye, corn, beans, etc., would be used for adulterating coffee.

These articles are used in other countries for this purpose. So it can be readily seen that to prohibit chicory will not prevent the adulteration of coffee in this country.

Caramel Cereal and other substitutes of coffee are put up in small packages under different names, and are usually made out of some kind of grain parched and ground up; they make a mild drink and are used by invalids and those who cannot drink coffee, and there seems to be no good reason for endeavoring to

to deprive the feeble and infirm of their beverage.

Moreover these substitutes of coffee would undoubtedly all come in duty free from the United States under our Treaty.

For reasons given above we recommend that the bill be laid on the table.

H. P. BALDWIN.

H. W. SCHMIDT.

H. L. HOLSTEIN.

Further consideration of House Bill 72 was deferred to June 15.

THIRD READING.

House Bill 83, weights and measures, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Hocking, Baldwin, McCandless, Schmidt, Wright, Wilcox--8.

Noes--0.

House amendments to Senate Bill 21, cable communication, were taken up and on motion the Senate refused to concur in the same. The clerk was instructed to ask the House for a conference thereon and the Joint Public Lands Committee was appointed to represent the Senate at such conference.

FIRST READING.

House Bill 36, repealing the poll tax, passed first reading.

Under suspension of the rules the bill was read again by title and referred to the Special Committee on the Income Tax Bill.

House Substitute to Senate Bill 27, jurisdiction of Circuit Courts, passed first reading.

Under suspension of the rules the bill was read a second time by title and referred to the Judiciary Committee.

At 10:35 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

NINETY-EIGHTH DAY.

Senate Chamber,

June 9, 1898.

The Senate met at 10 A. M. Vice President Kauhane in the chair.

Prayer by the chaplain.

The roll was called and there being no quorum present the Vice-President declared the Senate adjourned.

Attest:

George Manson

Clerk.

NINETY-NINTH DAY.

Senate Chamber,

June 10, 1898.

The Senate met at 10 A. M. Vice-President Kauhane in the chair.

Prayer by the chaplain.

The roll was called and no quorum being present the Vice-President declared the Senate adjourned to Monday, June 13, 1898, Saturday, June 11th , being a legal holiday.

Attest:

George Manson

Clerk.

ONE HUNDREDTH DAY.

Senate Chamber,

June 13, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Holstein, Baldwin and Waterhouse.

Minutes of June 8th, 9th and 10th were read and approved.

HOUSE MESSAGES.

The following communications were received from the House:

Honolulu, H. I. June 8, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 43 re marine park and Senate Bill 46, re provisions of the Homestead Act, passed their third reading in the House of Representatives of the Republic of Hawaii this day, and said bills have been referred to the Passed Bills Committee.

Honolulu, H. I. June 9, 1898.

I have the honor to inform your honorable body that the House Joint Public Lands Committee was authorized this day to confer with the Senate Committee on House amendments to Senate Bill 21 re cable.

Very respectfully,
JAS. N. K. KEOLA,
Clerk of House.

REPORTS.

Senator Schmidt from the Finance Committee presented the report of the committee on their examination of the books and accounts of the Marshal's Office, which was read and ordered placed on file.

Senator Lyman from the Committee on Passed Bills reported that the following bills had been presented to the President for his approval and signature on Wednesday, June 8, at 11 A. M.

Senate Bill 33, relating to Land Act.

Senate Bill 34, ancient heiaus, etc.

Senate Bill 43, marine park.

Senate Bill 45, telegraph cable.

Senate Bill 46, homesteads.

House Bill 57, incorporated companies.

House Bill 73, descent of property.

House Bill 83, weights and measures.

House Bill 85, appeals from District Magistrates.

House Bill 86, payment of current accounts.

Senator Schmidt from the Committee on Finance presented the following advance report on the books of the Finance Office, referring to a special Sinking Fund, which was ordered placed on file, together with the Joint Resolution accompanying the same."Your Committee of Finance, under instruction to examine and investigate the books of every department of the Government, has jointly with the Finance Committee of the House of Representatives engaged experts to do the clerical work and their reports will be submitted to you with our comments at an early date, that is as soon as finished.

Our expert, Mr. King, who is now working in the Finance Department, has drawn our attention to an old Sinking Fund which it seems to us requires immediate attention.

As explained by him in his annexed statement, the Sinking Fund was created by an Act approved December 31, 1864, and was to comprise all proceeds of sales of Government land, which again were to be applied to the purchase and redemption of Government bonds.

The Land Law of 1895, Part XI,§!270 specially repeal the above Act, but makes no disposition of the funds on hand. When

the Land Law took effect there was a balance of $29,457.48 on hand, which is still in the Treasury under Current Account.

To make this fund available we recommend that it be transferred to the "Land Sales Special Deposit."

H. W. SCHMIDT.

W. H. WRIGHT.

G. N. WILCOX.

Senator Lyman submitted the following report:

"Your Judiciary Committee to whom was referred the House Substitute to Senate Bill 27 have considered the same, and beg to report as follows:

Senate Bill 27, as passed by the Senate, gave simply the subdivisions of Section 38 that are amended, although it purported to give the entire section as amended. This substitute bill gives the entire section as amended, as follows:

FIRST SUBDIVISION is the same as the first of the present law.

SECOND is a new provision: That actions of ejectment, actions to quiet title and trespass shall be triable only in the Circuit in which the property is situated, and actions for tort shall be triable only in the Circuit where the cause of action arose.

THIRD is the same as the second of the present law.

FOURTH is the third of the present law.

FIFTH is the same as the fourth of the present law, but omitting the last clause: "or in the First Circuit" and substituting therefor: "Provided, that if the deceased died abroad the proceedings may be brought in the First Circuit."

SIXTH is the same as the fifth of the present law.

SEVENTH is the same as the sixth of the present law, but omitting the last clause, "or in the First Circuit," and substituting therefor, "Provided, that if such real estate lies in more than one Circuit the proceedings may be had in either Circuit in whivh the same is situated."

EIGHTH is the same as the seventh of the present law.

NINTH is the same as the eighth of the present law.

The amendments to the present law as made by this bill are practically the same as in Bill 27 formerly passed by the Senate, but this substitute Bill is more complete and in better form than the original #27.

Your committee recommend the passage of the bill.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

QUESTIONS.

Senator Brown submitted the following questions to the Minister of Finance:

1. What rules, if any, have the Board of Equalization adopted for the purpose of making and arriving at an equal assessment and levy of taxes in the different taxation divisions of the Republic?

2. In what manner and upon what basis does such Board arrive at the value of property to be taxed in each division?

3. What are the rules and methods adopted by such Board in arriving at the value of property required to be returned under Section 68 of Act 51 of the Laws of 1896, relating to internal taxes?

4. In arriving at such valuation either under Sections 67 or 68 of said Act, does the Board take into consideration the relative value of all the property to be taxed in the tax division, or does it take the value in each individual case and without reference to all the taxable property in the division?

Senate Bill 37, eligibility of persons to hold office, with the report thereon was taken up. On motion the report was adopted, which carried the bill through second reading.

Third reading set for June 15.

House Substitute to Senate Bill 27 was then taken up with the report thereon, and the following amendment adopted on motion of Senator Kepoikai: "On page 2, clause second, line 5,

strike out the word "only" and on line 6 after the word "arose" add the words "or in the First Circuit."

The bill then passed second reading as amended.

Third reading set for June 14.

At 11:20 A. M. the Senate adjourned.

Attest:

George Munson

Clerk.

ONE HUNDRED AND FIRST DAY.

Senate Chamber,

June 14, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Holstein, Baldwin and Waterhouse.

Minutes of June 13th were read and approved.

REPORTS.

Minister Cooper reported that the President had signed Act 41, amending Section 1 of an Act to further promote the construction of railways on the Island of Oahu.

Senator Lyman from the Passed Bills Committee reported that House Bill 64, amending the Act relating to the construction of railways, and House Bill 70, relating to public cemeteries, had been presented to the President.

Senator Schmidt from the Committee on Finance presented the

report of the Committee on their expert examination of the books of the Attorney-General's office and the Tax Bureau, which were read and ordered placed on file.

THIRD READING.

House Substitute to Senate Bill 27, as amended by the Senate, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Hocking, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--10.

Noes--0.

On motion the vote by which Senate Bill 37, third reading, was set for June 15 was reconsidered.

Senator Brown then moved that the Senate do now take up Senate Bill 37 on third reading. Carried.

The Bill was then read a third time and passed by the following vote:

Ayes--Kauhane, Lyman, Hocking, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--10.

Noes--0.

Minister Damon was granted further time to answer the questions propounded by Senator Brown on the 13th.

At 10:40 A. M. the Senate adjourned to Thursday, June 16, 1898.

Attest:

George Manson

Clerk.

ONE HUNDRED AND THIRD DAY.

Senate Chamber,

June 16, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Holstein, McCandless and Waterhouse.

The minutes of June 14th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 14, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 44, opening of streets in private lands in Honolulu, passed third reading as amended in the House of Representatives of the Republic of Hawaii this 14th day of June, and said Bill with House amendments are herewith transmitted to you for your further consideration.

Also I have the honor to inform you that the House this day refused to concur to the Senate amendment to House Bill 81, brands, marks, etc., relating to striking out the words "and District" after the word "Hilo", but the House has concurred to the Second amendment: "or upon any Government road bounded on both sides by a legal fence" to be inserted after the word "Maui". The House Joint Public Lands Committee were authorized to confer with Senate Committee in re 1st amendment, which was not concurred in.

Very respectfully Yours,

JAS. N. K. KEOLA,

Clerk.

Senator Kepoikai presented the following report:

"The Miscellaneous Committee, to whom was referred House Bill 84, establishing a general employment agency, beg leave to submit the following report thereon:

The Bill provides for a paid official who is to establish an Employment Bureau where employers and employes may come together to their mutual advantage. The salary of this official is to be fixed by the Legislature, while a fee of 25 cents is charged both to applicants for work and for laborers.

The committee is of opinion that there are altogether too many paid officials in the employ of the Government at present

without increasing the number by new legislation, and that the number should be lessened rather than increased.

In other countries where there is a demand for an employment bureau such as is proposed by the present bill, there is generally to be found both enterprising men and women willing to open the same and depend on their own exertions for remuneration.

Further, the committee does not believe in the Government engaging in the business of opening an employment bureau or that such a concern would be a success if started, owing to our limited population, and therefor recommend that the bill be laid on the table.

In conclusion, the undersigned would add that he is the only member of the committee left in town, but he is firmly of the opinion that if the other two members were present they would thoroughly endorse and agree with the above.

A. N. KEPOIKAI.

Senator Schmidt from the Finance Committee presented the report of the committee on the experting of the books of the Custom House which was read and ordered placed on file.

The Joint Committee on Public Lands was appointed a Committee of Conference to confer with the House Committee on the Senate Amendment to House Bill 81.

On motion the report of Senator Kepoikai on House Bill 84 was adopted and the bill laid on the table.

On motion of Senator Brown the Senate adjourned out of respect to the late J. I. Dowsett, a former member of the House of Nobles, and Senators Schmidt, Lyman, Wilcox, Brown, and Kepoikai were appointed a committee to represent the Senate at the funeral.

So at 10:30 A. M. the Senate adjourned.

Attest:

George Manso

Clerk.

ONE HUNDRED AND FOURTH DAY.

Senate Chamber,

June 17, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Holstein, McCandless and Waterhouse.

Minutes of June 16 were read and approved.

REPORTS.

The Minister of Interior reported that the President had signed Act 42, relating to amendments to the Land Act.

Senator Lyman from the Committee on Passed Bills reported that Senate Bill 39, manufacture of wines from Hawaiian grapes, had been presented to the President for his approval.

Senator Schmidt from the Finance Committee presented a report on the office of the Secretary of the Board of Education, which was read and ordered placed on file.

ANSWERS.

Minister Damon submitted his answers to the questions concerning the Tax Office propounded by Senator Brown and on motion the same were ordered printed.

Senate Bill 44, with House amendments thereto, was taken up, and on motion the Senate concurred in the House amendments and the bill was referred to the Revision Committee.

Senator Baldwin from the Committee on Foreign Relations presented the following report:

"Your Committee on Foreign Affairs, to whom was referred Senate Bills 32 and 40, having had the same under careful consideration, beg leave to report as follows:

Bill #32 is entitled "AN ACT to amend Section 1 of Act 74 of the Laws of the Provisional Government, approved May 3, 1894." Bill #40 is entitled AN ACT to amend Section 2 of Chapter 80 of the Session Laws of 1892, restricting Chinese immigration, and to repeal Act 15 of the Session Laws of 1896."

Both bills relate to the laws governing Chinese immigration.

Bill #32 proposes to repeal that portion of Act 74 which provides that the employers of Chinese immigrants shall deposit with the Board of Immigration each month $1.50 out of the wages of each immigrant till $36 has been deposited, which amount is

to be held by the Board of Immigration to the credit of the laborer, and when he shall cease to follow his avocation as an agricultural laborer, the Board shall apply so much of this amount as may be necessary to pay his passage out of the country, the balance to be paid back to the laborer.

Bill #40 proposes a new provision in the present law, that Chinese who may wish to sojourn in the Republic temporarily may do so by filing with the Minister of Foreign Affairs a bond in the sum of $100 that he will engage only in domestic service or in agricultural labor, and that he will leave the Republic within two years.

The deposits with the Board of Immigration, under the provisions of Act #74, of $1.50 a month for each Chinese immigrant, which are placed in the Postal Savings Bank, now amount to $ in the names of Depositors.

To keep this large number of accounts requires additional clerical help, and the large amount deposited, on which the Postal Government is obliged to pay interest, cannot be used to advantage by the Government, as they are obliged to pay it back to the immigrants when under the law they are obliged to leave the country, consequently the Government cannot put the money out in permanent investments. The Executive therefore proposes to repeal the above provision in the law, and provide for the introduction of Chinese as agricultural laborers under a suitable bond.

After consulting with the Minister of Foreign Affairs, your committee recommend that Bill #32 be laid on the table.

And we further recommend that Bill #40 be amended as herewith introduced, so as to cover the amendment proposed in Bill #32, and certain other amendments which we recommend.

H. P. BALDWIN.

CECIL BROWN.

J. KAUHANE.

On motion the two bills were taken up forthwith with the report, and that portion of the report which recommended that Senate Bill 32 be laid on the table adopted.

Senate Bill 32 was thereupon laid on the table.

Senate Bill 40, was amended as recommended by the committee, the amended bill read through again and the bill passed second reading.

Third reading set for June 20.

At 11 A. M. the Senate adjourned to June 20.

Attest:

George Manson

Clerk.

ONE HUNDRED AND SIXTH DAY.

Senate Chamber,
June 20, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Waterhouse.

Minutes of June 17th were read and approved.

HOUSE MESSAGES.

The following communications were received from the House:

Honolulu, H. I. June 17, 1898.

Hon. W. C. Wilder,
President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 39 re licensing the manufacture of wines from Hawaiian grapes, passed third reading this day and said bill has been referred to the Joint Passed Bills Committee.

Very respectfully,
JAS. N. K. KEOLA,
Clerk.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 4, re Current Receipts Appropriation Bill, with House amendments thereto, passed third reading in the House of Representatives of the Republic of Hawaii on the 18th inst. and said bill together with the House amendments will be forwarded to you for your further consideration as soon as the Revision Committee report the amendments typewritten.

Also the House refused to concur to Senate amendments to Senate Bill 27, amd the House Joint Judiciary Committee has been authorized to confer with the Senate Committee in regard to said amendments, and the House desires a conference.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of House.

Senator Rice from the Printing Committee reported printed copies of the answers of Minister Damon to the questions submitted by Senator Brown.

THIRD READING.

Senate Bill 40 came up on third reading and was further amended by inserting the words "to said Minister" after the

word "bond" on line 8 of page 2 of the typewritten bill.

The bill then passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Schmidt, Wright, Rice, Wilcox--10.

Senators Northrup and McCandless were excused from voting, not having been present on the first and second readings of the bill.

The Joint Judiciary Committee was appointed to confer with the House Committee on Senate amendments to House Substitute to Senate Bill 27.

Senate Bill 48, duty on chicory, was taken up, with the report of the committee. On motion the report was adopted and the bill laid on the table.

REPORT.

Under suspension of the rules Senator Lyman from the Special Committee on the Hilo Railway Bill submitted the following report and substitute bill:

"Your Special Committee to whom was referred Senate Bill 42, being "An Act granting a franchise to construct, maintain and operate an electric or steam railway on the island of Hawaii," have carefully considered the same, and beg to report as follows:

The bill as presented provides for a street railway system in the town of Hilo and also for railway lines through the Districts of Hilo and Hamakua, and in the Districts of Puna and Kau.

The petitions presented against the bill object to a railroad being located in the streets and roads in their present narrow state. An Act to provide for widening and extending the streets in the town of Hilo to the average width of fifty feet was passed by the Legislature in 1896, so that a provision that no railway track shall be located in any street that is less than fifty feet will cover that objection in the town of Hilo.

As to the country districts the bill provides that none of the present roads or highways shall be used by the railroad, but the company must construct its own roads in such locations as may be approved by the Minister of the Interior.

The general Railway Act of 1878 fully provides for the construction of railways in the country districts, so your committee think it is better not to include that in this franchise, but to confine the franchise to the street railway for the town of

Hilo, and leave the rest to be carried out under said Act of 1878, so have drawn a Substitute Bill accordingly, which is herewith submitted to the Senate for Action.

F. S. LYMAN.

H. P. BALDWIN.

J. A. McCANDLESS.

CECIL BROWN.

A. N. KEPOIKAI.

FIRST READING.

On motion the substitute bill was taken up, read the first time and passed.

At 11 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND SEVENTH DAY.

Senate Chamber,

June 21, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Waterhouse.

Minutes of June 20th were read and approved.

The Minister of the Interior reported that the President had signed the following bills:

Act 43, to preserve and acquire ancient heiaus and puuhonuas.

Act 44, an Act relating to appeals from District Magistrates.

Act 45, relating to corporations organized under the laws of foreign countries.

President Wilder announced that the House amendments to Senate Bill 4 had been received.

On motion of Senator Brown the Clerk was directed to return the same to the House with the request that the House Revision Committee cause the same to be revised as to the footings and recapitulation.

On motion further consideration of Senate Bill 49 was deferred until called up.

At 10:20 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND EIGHTH DAY.

Senate Chamber,

June 22, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senator Waterhouse.

Minutes of June 21 were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 22, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to return to you Senate Bill 4 and House amendments thereto, the request of your honorable body in re footings having been complied with.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of House.

REPORT.

Senator Baldwin presented the following report:

"Your Special Committee, to whom was referred House Bill 36, entitled "An Act to repeal Section 3, Act 51 of the Laws of 1896 relating to poll tax," beg leave to report that we have had the same under consideration.

The object of the bill is to repeal the Poll Tax, which in the year 1897 amounted to $47,973, and was collected as follows:

Hawaiians and half castes.....	$7, 131.00
Americans and Europeans.....	2,590.00
Portuguese.....	3,023.00
Chinese.....	16,757.00
Japanese.....	18,358.00
Various nationalities.....	114.00
Total	$47,973.00

Your Committee are in sympathy with the bill and believe that the poll tax should be repealed as soon as possible, but we doubt the wisdom of doing so at this session of the Legislature, for the following reasons:

1st. The Appropriation Bills which were larger than usual when introduced in the Senate by the Executive, were increased by the Senate and have been swelled to such an extent by the House that it is a question where the money is coming from to meet the appropriations and properly run the Government.

2d. The Legislature is taking steps for reorganizing and readjusting the tax system of the country, so as to place the burden of taxation more on those who are able to pay, but it will be impossible to get on to a firm taxation basis so that we will know where we stand till the next Session of the Legislature.

We trust that this will be accomplished by that time and that the poll tax will then be repealed.

As the matter now appears to us, it seems to be unwise, to use a common simile, to let go one hand till we get hold with the other. We therefore recommend that the bill be laid on the table.

On motion the report was adopted and the bill laid on the table.

Minister Cooper reported that the President had signed the following Acts:

Act 47, relating to the descent of property.

Act 48, amending the Cable Act of 1895.

Act 49, relating to the payment of current accounts.

Act 50, establishing a marine park in Honolulu Harbor.

Act 51, relating to weights and measures.

NOTICE OF INTENTION.

Minister Cooper also gave notice of his intention to introduce a bill to regulate the use of the books of registry in the Bureau of Conveyances.

House amendments to Senate Bill 4 were then taken up and the following were concurred in:

Compiling, printing and binding Hawaiian reports	$3,200.00
Compiling and publishing penal and civil laws	2,675.50
new instruments for band, Honolulu	1,705.00
Erecting two tombstones over the graves of Privates Anderson and Husburg	150.00
Incidentals and traveling expenses, Auditor-General's Office	6,000.00
Expenses Taxation Commission	5,000.00
Transfer from Sinking Fund to Land Sales Special Deposit	29,457.48
Reimbursement of A/ K. Kunuiakea	5.50
Special Mail Carriage, foreign	15,000.00
Coroners' Inquests	5,000.00
Correcting the spelling of the word "Kauai."	
Removing powder magazine	7,500.00
Roads and Bridges, Kau	4,000.00
Striking out letter "h" in word Kaupakuhea.	

The following amendments to Senate Bill 4 the Senate refused to concur in:

Hilo band	$2,000.00
Incidentals Finance Office reduced to	3,500.00
Interest on all loans and advances, including commissions on remittances to London, raised to	585,000.00
Expenses under income tax	7,500.00
Back pay, H. Zerbe	726.26
Mail subsidy, Wilder's S. S. Co	4,000.00
Mail subsidy, Inter-Island S. S. Co	4,000.00
Extra Inter Island mail service	2,000.00
Department of Public Instruction, Island of Hawaii, raised to	25,000.00
Department of the Interior, Incidentals, raised to	7,000.00
Preliminary roads and trails, raised to	10,000.00
Property and Dictionary indexes	27,000.00
Nawiliwili Water Works	2,500.00
Repairs, furniture and additions to Government buildings, raised to	45,000.00
Manual Training School	10,000.00
Fire station and apparatus, Kulaokahua	7,000.00
Wharf shed and warehouse, Hookena	. 400.00
Wharf shed and warehouse, Napoopoo	400.00
Extension of wharf, Hookena	1,000.00

Extension of wharf, Keauhou	800.00
Extension of wharf, Punahoa, Hana,	1,000.00
Wharf at Mokulau	1,000.00
Dredging Lahaina Harbor	1,000.00
Stone culvert across Pohakunanaku	1,000.00
Extending Puna road to Malama-uka	550.00
Construction of road through Nanawale and Kaohe Homesteads, Puna	1,200.00
New road from Pahoa to head of Rycroft's road	266.94
Road from Kekee lots to Kehena landing, Puna	3,000.00
To complete road from Koae to Kamaili	2,500.00
Road Ninole Homesteads	3,000.00
7th item, South Kona, raised to	3,000.00
Widening and repairing road between Kaohe and Alika, South Kona,	5,000.00
8th Item, North Kona, raised to	3,000.00
Beach road from Kailua to Keauhou	1,000.00
Widening and repairing Beach road between Hookena and Napoopoo	800.00
9th Item, South Kohala, raised to	4,500.00
Bridge across Waimea stream, Hawaii	1,000.00
10th Item, North Kohala, raised to	2,500.00
Regrading main roads to landing (Hamakua)	22,000.00
Kaauhuhu Homesteads	2,500.00
Ahualoa Homesteads	8,000.00

Kalopa Homesteads	4,000.00
Paauilo Homesteads	6,000.00
Kainehe Homesteads	2,500.00
Kaala Homesteads	7,500.00

At noon the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND NINTH DAY.

Senate Chamber,

June 23, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call ; absent Senator Waterhouse.

Minutes of June 22d were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 23, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 5, appropriations for salaries and pay rolls, passed third reading amended in the House of Representatives of the Republic of Hawaii on 22d day of June; also Senate Bill 36 re licenses milk, notaries public, etc., passed third reading amended this 23d day of June. Both bills and amendments are

are herewith returned to you for further consideration.

Ver respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

REPORT.

Senator Baldwin submitted the following minority report:

"Your Special Committee, to whom was referred Substitute for Senate Bill #26 (by House Finance Committee) entitled "An Act to amend Section 17 and to repeal Section 68 of Act 51 of the Session Laws of 1896 relating to internal taxes and approved June 3d, 1896," beg leave to report the bill, having given the same careful consideration.

The object of this bill is to repeal that portion of the internal tax law that provides for assessing real and personal property, or several classes or kinds of real or personal property, combined in an enterprise for profit, as a whole on its aggregate value.

This provision in the Internal Tax Law is commonly known as "Schedule E", a name given it from the nature of the assessment lists first sent to the corporations and companies holding property "combined in enterprises for profit." These assessment papers were property lists to be filled out by tax payers with the cash value of the same, and had a heading at at the bottom entitled "Schedule E" under which heading was the request

that the tax payer fill in an amount additional to the actual cash value of the property to be assessed to make up the value of the enterprise for profit as a whole.

Under this provision of the law important factors in getting at the value of the "enterprise for profit as a whole" are the market value of the stock of the corporation or company and the income of the same.

Now the value of all stock placed on the market is very changeable and fluctuating according as it is manipulated by those who buy and sell it, and in the same way the income of our companies and corporations vary from year to year, so that a great deal depends on the judgment and opinions of the assessor in fixing valuations of property under the provisions of so-called "Schedule E." This method of valuation is not tangible, and cannot be positively fixed, hence the Assessors of the different islands differ very materially in the valuations they place on property.

An examination of the taxes paid by all the plantations on the islands for the year 1897 shows that the different plantations have paid taxes, as reckoned per ton of sugar produced, all the way from 37 cts to $1.56 per ton.

While, comparing plantations according to the tonnage produced, for comparative purposes reckoning the taxes as so much per ton, is not the only factor to be taken into account--as

the amount of land on each plantation and the earning capacity of each should also be taken into account--still the above is a very good single method of comparing the respective value of different plantations. We append herewith a table showing the amount, taxes paid on certain plantations, reckoned per ton of sugar, averaged for two years.

These plantations are classed nearly alike, so far as their earning capacity is concerned, and in their valuation, taking into account the difference in size.

The plamters object to the so-called "Schedule E" because of the unequal and consequently unfair taxation that exists under its provisions. They object to any tax law that is so indefinite in its terms that different assessors can place widely different valuations on the same property. This makes the law obnoxious. It has caused constant friction and suits against the assessor since it went into effect, and will continue to be a source of irritation so long as it remains on the statutes. It is practically a species of income tax, although it is not a tax directly on the income.

In our opinion, a simple property tax placed on the cash value of the same, and in addition an income tax is much more preferable and will cause much less friction than the present law. This places the tax on the actual market value of the property, and on actual income, and does not leave the making of values to the capricious judgment of the assessor.

By repealing Schedule E we will not, in our opinion, materially affect the taxes now received from corporations. The Minister of Finance's report shows that the gain in taxes from all corporations in 1897 over 1895, before Schedule E went into effect is $89,440. The presumption is that this is due to Schedule E. On examination we find that the assets of all the plantation corporations in 1895 was $15,574,668, while the assets of the same corporations in 1897 was $21,602,754, showing an increase in assets of about $6,000,000. The tax on this increase of property would, under a simple property tax, be $60,000.

Then again, the change made in 1896 in the time for assessing property, from July 1st to January 1st, should increase very materially the assessments on sugar cane. Formerly cane was assessed July 1st, when it was half grown, now it is assessed January 1st, when it is ripe and ready to be milled. In our opinion, this change should make a large increase in the tax receipts from plantations, which together with the $60,000 tax on increase of assets mentioned above will fully make up the $89,440 claimed as the gain under so-called Schedule E.

Thus it will be seen that to repeal Schedule E will not lessen the tax receipts from the plantations.

For reasons given above, we recommend the passage of the Act, and in this connection will state that we advocate the Income Tax Bill."

Senator Brown presented the majority report of the same committee on the same bill, as well as on House Bill 8 as follows:

"The members of the Special Committee to whom was referred the Act relating to the Income Tax, as well as the Act to repeal the so-called Schedule E portion of the existing tax laws, and who sign and submit this report say, that they believe that an income tax in most countries is the surest and fairest method of collecting taxes, as by it the rich and poor both pay in proportion to their respective incomes, and it applies as well to non-residents as to residents; some question has been raised, however, whether or not it is the surest and fairest method of collecting taxes in this Republic on account of the cosmopolitan character of our residents and taxpayers and the numerous and different languages in which books of account are kept by the parties engaged in business and earning incomes, either as principals or employes.

In the early part of the session of this Legislature, a resolution was passed requesting the appointment of a committee by the President, whose duty was, between now and the meeting of the next session of the Legislature, to examine into our tax system and laws, and report back to the Legislature next to meet its findings, and to submit a system of taxation including an income tax, or in other words to adjust our present system of taxation so as to include the levying and collecting of an income tax. It is the opinion of the members of the Special

Committee signing this report that under our present system of taxation, even after repealing the Schedule E part, that if the income tax becomes a law, double taxation in numerous if not in all cases will result, and if such be the case under the decisions of our Supreme Court the law causing it cannot be enforced and becomes inoperative.

We also believe the Act unconstitutional in some of its provisions and that it will not stand an attack upon it on constitutional grounds, and attacked it will be as long as no alteration has been made in our present system of taxation to meet the provisions of the income tax and avoid double taxation.

We think that nothing will be lost by waiting for the report of the Commission to be appointed and everything gained. If the income tax had been introduced as a means of obtaining information and upon which the next Legislature could have drafted and enacted a law or system of taxation, that is if a purely nominal tax was to be levied, say one-fifth of one per cent, well and good, as we think in such a case no questions would have been raised or objections made to the enacting of a law of the kind now under consideration, nor any appeal made to the Courts to test its constitutionality.

At the opening of the present session of the Legislature, the Government in the address to the Legislature said that it was not the intention to present any legislation on taxation; and we think that the Commission hereinbefore referred to was

suggested by that address in order to have the matter ready should the Legislature of the Republic meet again. Since the opening of the session the Government has made the same assertion and is opposed to,any measures of the kind now under consideration, and as they are carrying on the executive part of the Government, we think some respect should be given to those views.

Another argument against the altering and adding to our taxation system is that we are now in a position in which our future life as a nation will be decided one way or another; we shall either be annexed to the United States within a very short time or else left to paddle our own canoe; if annexed, our whole system of taxation will have to be remodeled to meet our new status, and if to paddle our own canoe our system of taxation will also have to be remodeled and adjusted in order to pass an income tax that will stand the test as well as to provide means for carrying on whatever form of government that may be adopted or given us by Powers superior to us in force, if we are not permitted to carry on our present form of government.

Under these circumstances we think that nothing should be done by this Legislature tending to or favoring an income tax.

The last income tax passed by this Legislature was thrown out by our Supreme Court; and this one, owing to existing tax laws and upon other grounds, if passed will undoubtedly follow the same fate.

The so-called Schedule E portion of our present tax system,

when passed was thought to be and was in fact in the nature of an income tax, and it was hoped would materially increase the taxes, but it is said that taking everything into consideration it only caused an increase of some $15,000 or $17,000 in taxes, while the fact of an increase in actual value of the several plantations and the property belonging to and comprising them increased some $6,000,000 over the previous assessment was not known to or discovered by the Tax Assessor, or if discovered or known, was not taken advantage of.

Schedule E we believe could have been made to work well and satisfactorily if properly understood and administered; the fault is not with the law, but in the manner of its being administered.

Our tax laws provide for a Board of Equalization, whose duties under rules and regulations to be adopted and passed by them, is to equalize the levying of taxes all over the Republic. This Board, it is true, have met from time to time, but as they have no rules to govern them as required by law and under which they work, and do not seem to care about having any, nor do they seem ever to have equalized the taxes or adopted any rules or regulations having that for their object, the consequence is that as soon as the assessors return to their respective taxation divisions every one acts on his own behalf and follows his own sweet will as to values for taxation purposes in his division, and the consequence is that the taxpayer appeals and the

matter goes to the courts.

Last year there were more appeals from thisreason than at any other time since taxation first became necessary as a means of revenue for an organized system of government.

We think under all the circumstances of the case that House Substitute to Senate Bill 26 should pass. The answers given by the Minister of Finance to questions propounded by a member of this committee, it is submitted, justify the comments made upon the Board of Equalization and their method of equalization (if they have any such method) as no rules were given and it does not appear that any were ever made or promulgated.

There is still another matter pertaining to the Income Act and which is a serious one, and if true is fatal; under the provisions of the Constitution. Article 64 of the Constitution provides that in order to become law every bill, except as otherwise provided by the Constitution shall pass three readings in each House, the final passage or reading to be by a majority vote of all the elective members to which such House is entitled, taken by ayes and noes, and such vote must be entered on its journal.

On the third reading of the Income Tax bill in the House of Representatives after the debate had closed the ayes and noes were called by the Clerk of the House and the vote taken on that calling of the ayes and noes stood six in favor of passing the bill and five against it; the bill thus receiving less than the

elective votes of the majority which was eight.

We think that such being the fact, the Bill was killed under the provisions of the Constututution, and the House of Representatives had no further power or control over the Act, as on its final or third reading it failed to obtain eight votes, a majority of the elective members of the House.

The next step taken was to reconsider the vote taken, and such reconsideration was not moved by the five voting against the bill, but the six who voted for the passage of the Act. Under parliamentary law as practiced in the United States the minority in this case became the majority and should have moved the reconsideration, as by the provisions of the Constitution requiring a majority of all the elective members, such majority not being obtained those voting in the negative became the majority.

However that may be, it is submitted it has nothing to do with the one question, " Did the bill pass its third reading as provided by our Constitution?" The vote taken was reconsidered on motion of one of the six who voted for it, and was then postponed to a futire day, and the vote again taken, being the second calling of the ayes and naes on the passage of the Act, and a fourth reading of the bill to all intents and purposes; at that time it received the necessary eight votes.

With all due respect to the Speaker or whoever presided at that session and the Clerk of the House of Representatives

and to its members, we cannot but think that under the provisions of Section 64 of the Constitution, the certificate attached to the Act that it passed its third reading in the House on such a day is not warranted and is not, in fact, a certificate that should be attached in face of the facts as stated.

We think that after the first vote by ayes and noes was taken on third reading and when the Act failed to receive the eight votes necessary to make it law, the Act was killed, not by any rule or law of the House or of general parliamentary law, but by the provisions of the fundamental law of the land; and if the provisions of that law in the passing of acts are not carried out, the Act does by force of such superior and governing power, and no parliamentary rules, practice or legerdemain can restore an Act failing so to receive on its third reading upon the calling of the ayes and noes the majority vote of all the elective members thereof.

We are therefore further of the opinion that the Act is not properly before the Senate, never having passed the House as provided by the Constitution, and the Senate should not for that reason consider it, and much more pass it.

We sincerely believe that upon the foregoing statement of facts that the Courts would be justified and in all probability would throw the bill out upon the ground that it had not passed the Legislature of this Republic as provided by the Constitution. A provision of this kind either in a law or in the funda-

mental law of the land are estimated most strictly.

From the foregoing and for many other and further reasons which may be given upon debate, we recommend that House Bill #8 be laid on the table."

Senator Baldwin presented the minority report of the same committee on House Bill 8, as follows:

"Your Special Committee, to whom was referred House Bill #8 entitled "An Act to provide revenue for the Government by the imposition of a tax on incomes, and to repeal Act 65 of the Session Laws of 1896 relating thereto?" beg leave to report said Act.

This bill provides for a tax on annual incomes, with certain exceptions, in excess of $1500.

An income tax based on the net earnings of an individual company or corporation is a fair and just tax, as all who earn a substantial income can afford to pay taxes according to their earnings.

This tax is imposed in England, Australia, New Zealand, some States of the United States, Germany, Japan and other countries, and the proposition is that little Hawaii should now take its stand among the progressive nations of the world on the subject of taxation. It is contended that while it is a just method of taxation, it is a very unpopular method. We would reply that it cannot be more unpopular or cause more fric-

tion between the tax payer and the assessor than the provision now in our law for taxing "property combined in an enterprise for profit."

Certain conditions exist here that make it desirable to impose an income tax. For instance, a large amount of the earnings made in this country out of sugar, and in other lines of business, are sent out of the country and invested abroad, instead of being invested in this country, as they would be if earned in the United States or in other large countries. Part of the above mentioned earnings are sent to those who live abroad. All moneys earned from the products of our soil and in other ways that are carried abroad now escape taxation here, and a tax on incomes would seem to be the only method of obtain- a tax on such moneys.

Moreover, nearly all our products are sent abroad to foreign markets, and it usually happens that when assessment day comes around each year the largest part of our annual products and the money in settlement for the same are out of the country and cannot be reached by the Assessor.

A tax on the annual income of individuals, companies and corporations would seem to be, in an indirect way, the best method of obtaining a tax out of our products thus sent abroad.

A great many professional men here who only pay the annual tax of $5. toward the support of the Government are earning good and substantial incomes. It is but just and fair that they

should pay a tax on these incomes.

In regard to the legality of the Act we would say that the objections raised to the constitutionality of the income tax law of last session in the "income tax" cases decided by the Supreme Court last August may be classified under two general heads.

First, those that went to the validity of the whole law, of which there were two, namely, the right of the Legislature to allow an exemption of $2,000 to persons whose incomes did not exceed $4,000, while on incomes over $4,000 there was no exemption; and then the question of double taxation.

Second, those points that were directed at specific provisions in the law, such as the taxation of the salaries of the President and Judges, and the infliction of penalties for refusing to make returns to the Assessor, and for the rendering of false returns. For example, if the court should hold that the President's salary cannot constitutionally be subjected to an income tax it would not result in the whole law being declared void, but simply so far as it applied to the President's salary, and the law would then be enforced as though the President's salary had been expressly exempted in the Act.

In its decision in the "income tax" cases, the Supreme Court considered only the principal and strongest objection which the appellants had to the Act of 1896, and by a bare majority of the judges declared the law to be in conflict with the

Constitution on account of the $2000 exemption provision.

That objection has been met in the bill now under consideration by providing an uniform exemption to every taxpayer, which the Court in its decision, intimated would not be objectionable.

It has been claimed that atax upon the income derived from property which is taxed under the general tax law is double taxation, and therefore unconstitutional and void. But a careful consideration of the point will reveal the fact that real or personal property is one thing, and the income derived from it another. Rent is perfectly distinct from the land for the use of which it is paid, so are dividends entirely separate and distinct from the shares upon which they are paid.

It is true that Income earned and remaining unexpended is taxed as cash on hand under the property tax law, and again as "income" under this bill, but this is only an incidental overlapping of the two tax acts which is unavoidable. It is, however, no discrimination for it applies to all such cases alike. It is perfectly legitimate to tax property which has been purchased out of net income under the property tax law notwithstanding the income was taxed as such under an income tax law. This is not double taxation in any objectionable sense, any more than it is double taxation to charge a license fee for selling goods that have been taxed at the custom house in the way of duties.

It would hardly be seriously contended that it is double taxation to tax property under the property tax law which has been inherited and taxed as an inheritance under the inheritance tax law of 1892. Yet, if carefully examined, it will be found that the same principle is involved.

But it is not necessary to further discuss whether the law imposes double taxation, because there is nothing in our Constitution prohibiting double taxation. Double taxation is not objectionable from a constitutional standpoint, so long as it is proportional and does not amount to class legislation.

The rule laid down by our Court is that no statute will be so construed as to impose double taxation unless that was the clear intention of the Legislature. It has never held that double taxation would violate any provision of the Constitution.

Judge Cooley, in his work on Taxation says, "Property it is said in one case, is liable in many cases to be taxed twice, when it would appear difficult or unsafe to make provision by law to prevent it. Thus, stock in trade may be taxed to the owner, while he may be indebted for it to many persons who may be taxed for those debts or the money loaned to purchase it. Real estate may be taxed to a mortgagor in possession, while the mortgagee is taxed for the money secured by the mortgage. So imperfect are all human institutions that perfect equality in the imposi-

tion of burdens is not to be expected. These provisions for valuation are not considered to be in conflict with the general purpose to have all property subjected to taxation once, and only once at the same time. The power to tax twice, it is said in another case, is as ample as to tax once. We make out, therefore, no conclusive case against a tax when we show that it reaches twice the same property for the same purpose."

It is laid down in the American and English Encyclopedia of law that "In the absence of constitutional restriction incomes may be taxed even though derived from property which is also taxed or from which a license tax is imposed."

The only two objections that went to the validity of the whole Income tax law passed last session have thus been disposed of, one by amendment to the law, and the other by reason and unimpeachable judicial precedent and authority.

It is not necessary to comment at length upon the lesser objections. The validity of the tax upon the salaries of certain officers of the Government can be assailed only by those officers themselves. Our Supreme Court has decided that it will not "listen to an objection made to the constitutionality of an act by a party whose rights it does not affect and who has therefore no interest in defeating it." As stated above, if the Court should be of the opinion that certain salaries are not taxable it would simply say that the law was not intended to apply to them. The rule of law applicable is thus stated by a

learned author, "All cases to which a statute cannot constitutionally apply will be excepted by necessary implication, however absolute and express the provision may be."

The objections raised to the provisions of the bill in regard to the imposition of penalties for the refusal to make returns, and for rendering false returns, and for the examination of the taxpayer are frivolous. These provisions are on a par with those found in nearly every tax law, and are not unusually severe. We quote the following paragraph of the Encyclopedia above referred to, "Penalties are frequently imposed for the non-payment of taxes or as the punishment for fraud or evasion, and where due notice and opportunity to be heard or to pay have been given the taxpayer, the imposition of the penalty is not unconstitutional."

It will be noticed that the bill provides ample opportunity for hearings and the right of appeal.

Your Committee recommend the passage of the bill as it comes from the House, with the following amendments:

In Section 2, line 7, of the printed copy strike out "educational" and in the same Section, line 13, strike out the word "educational" where it appears again."

RESOLUTION.

Senator Baldwin introduced the following Concurrent Resolution which was unanimously adopted:

BE IT RESOLVED:- That the Minister of Foreign Affairs be authorized and requested to stamp and forward letters written by United States soldiers and sailors while in Honolulu on their way to the Philippines, without charge.

Consideration of House amendments to Senate Bill 4 was then resumed, as follows:

ITEMS CONCURRED IN.

Bridge at Olowalu	$	600.00
Roads and Bridges, Molokai		2,500.00
Road from Koele to Awalua Landing, Lanai		500.00
Repairs to Breakwater, Waiahole		500.00
Roads and Bridges, Koloa, General		96.08
Electric Light, Honolulu		12,000.00
Street Signs, Honolulu		500.00
Lighting streets other than Honolulu and Hilo		1,500.00
Lights at Kailua, Keauhou and Napoopoo Landings		500.00
Repairing Lahaina Fishmarket		400.00
Court House and Jail, Kipahulu		1,000.00
Repairs Lahaina Court House		1,200.00
Jailor's House, North Kohala		300.00
Repairs to Court House and Jail, Hookena		500.00
Telephone from North Kona to South Kohala		2,500.00
Change "Prof. Koebele" to "Entomologist" Honolulu Park Commission		7,500.00

Support and maintenance of hospitals	16,000.00
Kalaupapa store	25,000.00
Rider to Paradise of the Pacific Subsidy	
Strike out Telephonic Communication between Kohala and North Kona (with condition)	
Telephonic Communication between Pohpoiki Court House , Puna, and Hilo	1,200.00

NOT CONCURRED IN.

Regrading road from Kokomo, Makawao, to Halehaku, Huelo	7,000.00
Striking out Makawao to Huelo, $3000.00, and inserting Culvert across Kawaipapa stream	300.00
Kahikinui	2,000.00
Purchase of rock crusher for District of Hana	2,000.00
Roads Hana District	8,000.00
Pay Survey road from Hanawi, Koolau, to Kailua, Huelo,	500.00
Road from Pukoo to Halawa, Molokai	3,000.00
Roads and Bridges, Honolulu, raised to	120,000.00
"These appropriations are" changed to "This appropriation is."	
Nuuanu Road to Pali, $20,000.00, struck out.	
Macadamizing Punchbowl Road from Pauoa Bridge to Alapai street	5,000.00
Macadamizing streets at Kaluaopalena, Kalihi	1500.00

Repairs to Houghtailing Lane	700.00
Repairs to Desha Lane	500.00
Macadamizing Road from Moanalua to Kapukaki	500.00
Macadamizing Union street, including Road Damages	6,000.00
Repairing and widening Waialae road and extension	5,000.00
Repairing and macadamizing Campbell Avenue and Monsarrat Road	2,000.00
Widening and macadamizing road from Keoneula, on King street, to Insane Asylum, including road damages	5,000.00
Enlarging and repairing Aala road	500.00
Repairs Wyllie street	400.00
Widening King street east of Kaliki bridge and new bridge	3,500.00
Macadamizing River street from King street to Vineyard street	5,000.00
Extending Kukui street from Nuuanu to River street	2,000.00
Road from Pouhala to Government Road, Ewa	700.00
Purchase of Rock Crusher, add the word "Ewa"	
Waialua, raised to	4,500.00
Landing Lights, Island of Kauai	1,000.00
Court House and Jail, Pahala, Kau,	400.00

Jailor's House, Waimea, Hawaii	150.00
Jailor's House, Hookena,	150.00
Lock-up, Mahukona,	200.00
Addition Hana Court House	300.00
Kerosene Warehouse and site, Kahului	800.00
Subsidy to Consumptive Ward, Queen's Hospital	5,000.00

Proviso to go on the end of section 5.

At noon the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND TENTH DAY.

Senate Chamber,

June 24, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

On motion of Senator Brown the reading of the minutes was deferred to June 25th.

On motion of Senator Brown the Senate adjourned at 10:05 A.M.

Attest:

George Manson

Clerk.

ONE HUNDRED AND ELEVENTH DAY.

Senate Chamber,

June 25, 1898.

The Senate met,at 10 A. M. President Wilder in the chair.

Prayer by the Rev. C. E. Winning.

Roll call; absent Senators Northrup, Holstein, Waterhouse and Wilcox.

The minutes of June 23 and 24 were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 23, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Concurrent Resolution authorizing the Minister of Foreign Affairs to stamp and forward letters written by United States soldiers and sailors en route to philippine Islands without charge, passed by a unanimous vote in the House of Representatives this day, and said concurrent resolution has

been referred to Passed Bills Committee.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of House.

REPORT.

Senator Lyman from the Committee on Passed Bills reported that Senate Bill 44, regulating the opening of streets, was presented to the President on June 22 at 12 M.

FIRST READING.

Minister Cooper introduced Senate Bill 50, relating to books of record. Read the first time, passed and ordered printed.

The Joint Public Lands Committee was appointed a Committee of Conference on all the items in Senate Bill 4 not concurred in by the Senate, and the Clerk was instructed to notify the House that the Senate wishes a conference thereon.

SECOND READING.

Senate Bill 49, substitute for Senate Bill 42, Hilo street railway bill, was read the second time and the following amendments adopted:

Section 4 was stricken out and the sections following re-numbered to conform thereto.

At the end of Section 22, new number, the following words were inserted "which must be approved by the Minister of the Interior."

The Bill then passed second reading as a whole.

Third reading set for Monday, June 27.

House amendments to Senate Bill 5, salaries and pay rolls, was then taken up and the following proceedings had:

AMENDMENTS CONCURRED IN.

Item for Kaiulani, raised to	$ 6,000.00
Salary of Japanese Interpreter and Translator	3,000.00
Salary of District Magistrate, South Kona	1,200.00
Salary Clerk, Fifth Circuit	1,200.00
Salary of Deputy Auditor-General	3,600.00
Clerical Assistance, Auditor-General	11,000.00
Salary Deputy Collector, Port of Honolulu	5,400.00
Salary of 3 Pilots, Honolulu, each $4800.00	14,400.00
1 Pilot's watchman, Diamond Head	1,800.00
1 Pilot's Watchman, Pilot's Office	1,440.00
Pay Roll, Pilot's boats	5,000.00
Salary of Clerk to Marshal	3,600.00
Salary of Deputy Sheriff, South Kohala	1,200.00

Pay of Sub-Agent Public Lands, 2d District (in Hawaiian version).	1,200.00
Pay of Entomologist, instead of Professor Koebele	4,000.00
Salary Keeper Mausoleum and Grounds	780.00
Salary of Janitor and Keeper, Executive and Judiciary Grounds and Buildings	2,400.00

Section 4. Strike out "for which salaries are provided.

AMENDMENTS NOT CONCURRED IN.

Salary of Shorthand Reporters (2 at $4800.00 each)	$ 9,600.00
Salary of Hawaiian Interpreters, Supreme and Circuit Courts, (2 at $3,000.00 each)	6,000.00
Salary of Messengers (2 at $960.00 each)	1,920.00
Traveling Expenses, Circuit Judge, second Circuit	300.00
Salary District Magistrate Lahaina, raised to 3d class	2,200.00
Traveling Expenses, Circuit Judge 3d and 4th Circuits	500.00
Salary of Shorthand Reporter, raised to	2,000.00
Salary of District Magistrate, Lihue, reduced to 4th class	1,680.00
Department of Foreign Affairs, Salaries of Clerks at $2400, $2000 and extra $1000	5,400.00

Salary of Tax Assessor of Hawaii, reduced to	5,000.00
Deputy Postmaster-General	3,600.00
Salary of Superintendent of Postal Savings Bank, reduced to	3,600.00
Salary of Superintendent of Postal Money order Department, reduced to	3,600.00
The six items specifying salaries of 3 Entry clerks and 3 statistical clerks.	
Salary of Port Surveyor, Honolulu, reduced to	4,000.00
Assistant Appraiser, reduced to	1,800.00
Salary of Customs Gauger and Tester, transferred.	
2 Examiners, reduced each $1350	2,700.00
Pay of Chinese and Japanese Inspectors and Translators, each $1200.00	2,400.00
Salary of Deputy Marshal, raised to	4,800.00
Salary of Clerk to Sheriff, Hawaii, raised to	1,800.00
Salary of Clerk to Sheriff, Maui, raised to	1,800.00
Salary of Deputy-Sheriff, Hawaii, reduced to	3,000.00
Salary of Deputy-Sheriff, North Kona, raised to	2,400.00
Salary of Deputy-Sheriff, South Kona, raised to	1,920.00
Salary of Deputy-Sheriff, Puna, raised to	1,440.00
Salary of Deputy-Sheriff, Kawaihau, raised to	1,560.00
Pay of Police, Kauai, raised to	20,000.00
Salary of Deputy-Sheriff, Ewa, raised to	1,920.00

Salary of Deputy Inspector and School Agent, Honolulu	900.00
Salary of Traveling Normal Inspector	6,000.00
Traveling Expenses Normal Instructor	500.00
Salary of Assistant Secretary and School Agent, District of Kona, Oahu, raised to	3,000.00
Striking out the following four items:	
Salary of Deputy Inspector, Hawaii	3,600.00
Traveling Expenses Inspector, Hawaii	400.00
Salary Deputy Inspector Maui, Molokai and Lanai	3,600.00
Traveling Expenses Deputy Inspector, Maui, Molokai and Lanai	400.00
Salary of First Assistant Clerk, Interior Office, raised to	4,800.00
Salary of two Messengers each raised to $1200	2,400.00
Pay of Sub-Agent, 6th District	720.00
The words "not to exceed" inserted after the word "District".	
Salary of 3d Assistant, Bureau of Survey	3,000.00
Salary of Draughtsman, raised to	2,400.00
Salary of Superintendent of Honolulu Water Works and Clerk of Market, raised to	5,400.00
Salary of Superintendent Wailuku and Kahului Water Works	420.00

Salary of Superintendent of Hilo Water Works increased to	1,800.00
Pay of Gunpowder Keeper, Hilo	50.00
Salary of Secretary, Board of Health	4,200.00
Salary of Executive Officer	4,800.00
Salary of Meat Inspector	3,000.00
Salary of Quarantine Officer	2,400.00
Salary of One Sanitary Inspector	1,800.00
Salary of One Sanitary Inspector	1,800.00
Salary of Fish Inspector	1,800.00
Salary of Agent of Board of Health	1,200.00
Salary of Copy Clerk	1,200.00
Salary of Deputy Fish Inspector	960.00
Keeper Quarantine Station	1,200.00
Maintenance Hospitals Pay Roll, raised to	13,000.00
Maintenance Hospital, Lihue, Kauai, $3600.00, stricken out.	
Act to Mitigate, raised to	3,150.00
Salary of Food Commissioner	3,150.00
Pay of Chief Forester	3,600.00
Pay of Expert Forester	1,500.00
Pay of Laborers, Nursery	1,080.00
Pay of Laborers, Makiki and Nuuanu	5,400.00
Pay Roll, Government Buildings, raised to	4,944.00

Pay Roll, River and Makiki Parks	2,040.00
Honolulu Fire Department, Regular Pay Roll, raised to	59,040.00

The Joint Finance Committee was appointed a Committee of Conference on the items of the bill not concurred in and the Clerk was instructed to so notify the House and request a conference thereon.

At noon the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND TWELFTH DAY.

Senate Chamber,

June 27, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

Minutes of June 25th were read and approved.

REPORTS.

The Minister of the Interior reported that the President had signed the following Acts:

Act 52, amending an Act entitled "An Act to promote the construction of railways."

Act 53, an Act relating to public cemeteries.

Act 54, an Act licensing the manufacture of wine from Hawaiian grapes.

Act 55, regulating the opening of streets in the District of Kona, Oahu, and Town of Hilo, Hawaii.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 24, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to your honorable body House Concurrent Resolution #4 in re that all disabilities imposed upon persons implicated in the insurrection of 1895 should be removed; said Concurrent Resolution was adopted by the House of Representatives this day.

Very respectfully,

JAS. N. K. KEOLA,

Clerk House Representatives.

REPORTS.

Senator Lyman from the Conference Committee on the Cable Bill, Senate Bill 21, presented the report of the Committee, adopting the House amendment thereto with the addition of the words "with terminus at Honolulu, Island of Oahu."

On motion of Senator Brown the report was adopted.

Senator Rice from the Committee on Printing reported Senate Bill 50, relating to books of registry, printed and ready for distribution.

Senate Bill 49, Hilo railway, substitute for Senate Bill 42, came up on third reading on the order of the day.

On motion of Senator Schmidt Section 14 was amende by inserting after the word "design" the words "to be approved by the Minister of the Interior."

The bill then passed its third reading by the following Vote:

Ayes:Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox-12.

Noes-0.

Senator Brown from the Joint Judiciary Committee appointed to confer with the House on the House Substitute to Senate Bill 27, reported verbally that an agreement had been reached on the bill, by which the Senate should recede from its amendment to the bill, and on motion the report was adopted.

House amendment to Senate Bill 36, relating to the license on milk, was concurred in and the bill referred to the Revision Committee.

House Bill 8, income tax, with majority and minority reports thereon, was taken up on second reading.

Senator Brown moved to adopt so much of the majority report as referred to House Bill 8.

Recess to 1:30 P. M.

HOUSE MESSAGE.

After recess the following communication from the House was read:

Honolulu, H. I. June 27, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I ha ve the honor to inform you that the House of Representatives of the Republic of Hawaii appointed this day the following special committees to confer with Senate Committees on amendments in Senate Bill 4 non-concurred in: Representatives Robertson, Pogue and Achi; and Special Committee on amendments in Senate Bill 5 non-concurred in, Representatives Gear, Atkinson and Isenberg.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

Consideration of the motion to adopt the report of the Committee on House Bill 8 was resumed.

The vote on the motion resulted 6 for and 6 against, whereupon President Wilder voted for the motion and the bill was laid on the table.

House Substitute to Senate Bill 26, amending Section 68 of Act 51 of the Session Laws of 1896, was taken up on second reading, and on motion the bill was laid on the table.

Senate Bill 50, relating to the books of registry, was read by title on second reading and referred to the Judiciary Committee.

At 2:45 P. M. the senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND THIRTEENTH DAY.

Senate Chamber,

June 28, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

Minutes of June 27th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 27, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that House Joint Report #4 of Joint Judiciary Committee on Senate amendments to House substitute to Senate Bill 27 re Jurisdiction of the First Circuit Court, recommending the passage of the bill as it passed the House and that the Senate recede from its amendment, was adopted by the House of Representatives of the Republic of Hawaii this day, and said Joint Report having already

been adopted by your honorable body, the bill has been referred to the Revision Committee.

Also I have the honor to inform you that Senate Joint Report of of Joint Public Lands Committee in re House amendments to Senate Bill 21 re Cable, which recommended the adoption of the House amendment with the further addition of the words :"with terminus at Honolulu, Island of Oahu," was adopted by the House this day.

Very respectfully,

JAS. N. K. KEOLA,

Clerk House.

House Concurrent Resolution #4, removing political disabilities from persons engaged in the insurrection of 1895, was read and referred to the Judiciary Committee.

At 10:10 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND FOURTEENTH DAY.

Senate Chamber,

June 29, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Brown, Northrup and Waterhouse.

Minutes of June 28th were read and approved.

MESSAGE FROM THE PRESIDENT.

The following message was received from the President:

To the Senate of the Republic of Hawaii:

I beg leave to submit to you for your action thereon the following nomination: W. H. Laws, auditor-general of the Republic of Hawaii.

June 28, 1898. SANFORD B. DOLE.

REPORT.

Senator Holstein submitted the following report:

"Your Judiciary Committee to whom was referred Senate Bill #50 beg leave to say, that after a careful consideration of the

measure, believe that its passage which they herewith recommend would re-imburse the Government in the purchase of books, and re-copying of the records in them in the office of the Registrar of Conveyances, due only from the free handling of these volumes by irresponsible searchers who can well afford to pay a reasonable fee for such information. There are now in the record office 184 volumes, far more valuable to the country than a number of our State papers, and some adequate remedy should be made by the Legislature to protect these books from such handling as the irresponsible as well as the inquisitive, causing annoyance and confusion to the employes in the office by constant attention to them.

We deem the bill a good one, and recommend its passage.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

Minister Cooper's motion to adopt the report was lost, and thereupon on motion of Senator McCandless the bill was laid on the table.

Senator Holstein also presented the following report:

"The Judiciary Committee to whom was referred House Concurrent Resolution #4 in relation to the pardoning of those

persons who were engaged in the insurrection of 1895, and have not yet been pardoned, beg leave to report:

That the pardoning power under the Constitution is vested in the Executive and Council of State, and from information obtained by this committee, it has been the practice of the Executive to recommend for pardon all such persons who have acknowledged the existing form of Government by taking the oath of allegiance, and asked for clemency.

Of those who took part in the insurrection of 1895, the remainder, some 160 in number, have not as yet shown that they acknowledged the existing Government, nor have they taken the oath of allegiance. As a general rule, those who seek or ask favors or wish to be restored to civil rights, do so by petition, and all of the number who are now under parole and sentence can, for the asking and upon acknowledgment of the present form of Government, obtain a full and free pardon from the authorities having the power of granting such pardon under the Constitution.

As the resolution is a mere expression of opinion, and the remedy, for those who are to be benefited in the receiving of a pardon, is in their own hands, and can be obtained for the asking, we recommend that the resolution pass.

CECIL BROWN.

F. S. LYMAN.

H. L. HOLSTEIN.

A motion to adopt the report was lost, and on motion the resolutiom was thereupon laid on the table.

REPORT.

Senator Lyman from the Committee on Passed Bills reported that the following bills had been presented to the President at 9:30 A. M. this day:

Senate Bill 21, cable bill.

Senate Bill 36, licenses.

House Substitute to Senate Bill 27, Jurisdiction of Circuit Courts.

Under suspension of the rules a communication from Mrs. Emma N. Nakuina in regard to the harbor of Honomuni, Molokai, was read, and on motion the s ame was referred to the Minister of the Interior.

At 10:23 A. M. the Senate adjourned.

Attest:

George Thurston

Clerk.

ONE HUNDRED AND FIFTEENTH DAY.

Senate Chamber,

June 30th, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

Minutes of June 29th were read and approved.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. June 29, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 41, regulating the sale and use of opium, was laid on the table on second reading in the House of Representatives of the Republic of Hawaii this day.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

REPORTS.

Under suspension of the rules Senator Brown from the Special Committee on the Opium Bills reported verbally on House Bill 60, relating to fines for offenses against the opium laws, returning the same back to the Senate without recommendation or further report.

Senator Brown presented the following report:

"Your Special Committee to whom was referred House Bill 55, being an Act to authorize and provide for the construction, etc., of a street railway or railways in streets and roads on the Island of Oahu, beg leave to report, that they have had the same under consideration, and report as follows:

"While recognizing the desirability and convenience to the residents of the Island of Oahu, and especially those dwelling in the district of Kona, of a line or system of street railroad that will furnish better facilities than that existing and furnished by the line now in operation; yet this committee also recognizes that that line has rights and privileges granted to it by the Legislature of 1884 which this Legislature, we think, should recognize, respect and protect so far as we are able, and not grant rights and privileges to a proposed company which will cause endless litigation and perhaps an interference with vested rights.

The above are some of the reasons, and are some of the

grounds upon which this committee has recommended the changes in the bill referred and which are now submitted to the Senate for consideration.

Your committee are also of the opinion that the right to condemn any and all public or private property under the doctrine of eminent domain should not be delegated by the Legislature to any private corporation or an association of persons who have for their object an enterprise for profit or gain solely; and following out this policy your committee recommends that Section 20 be amended so that it reads as follows:

"Section 20. Whenever it shall be necessary that private property should be taken by said Association and others for rights of way through the places or property specifically named in this Act, and the same cannot be acquired by purchase, for a reasonable or fair compensation, the said Association and others are hereby authorized and empowered to take such places or property to the extent only of the actual amount necessary for the said rights of way, in the manner hereinbefore provided."

We recommend striking out Section 21, such being necessary af ter the amendment to Section 20 above set forth.

In Section 22 we recommend striking out the words "Government or other," and in Section 23 the words "The Minister of the Interior shall represent the Government."

These amendments are necessary in order that the Act com-

ply with the amendments proposed to Section 20. In Section 26 lines 3 and 4, strike out the words "and to assess betterments" and Section 30 we recommend read as follows:

"Section 30. In fixing the compensation or damages to be paid for the condemnation of the rights of way through the places or property specifically named in this Act, the value of the property sought to be condemned and all improvements thereon shall be separately assessed. If the part taken shall be only a portion of the tract valued as a unit, then the damages shall be a proportionate part of such whole subject to special damages for loss of any particular easements or appurtenances, or if the part taken shall destroy the value of the tract as a unit."

These amendments are recommended upon the ground that this committee does not approve of applying the doctrine of betterments to matters of this kind.

The proposed company has authority under Section 15 to acquire either by purchase or lease any real or personal property as well as the rights, privileges and franchise of any other railway or of any other light or power company; and if they cannot obtain these by purchase or lease, we think that they should not have the power to do so under the doctrine of eminent domain as proposed to be granted by the Bill now under considerationm. We do not consider that the Legislature should in any manner grant or attempt to grant any rights or privileges that

might be used as a lever to force a compromise or sale of an existing franchise that has property, rights and privileges granted by a former Legislature, or that might or would cause litigation to determine what was granted or could be granted by the Legislature, and by Section 20 it has the right of condemning rights of way which we think ample under the circumstances.

Sub-divisions 11 and 12 of Section 2, this committee recommend be stricken out, as the proposed company in the previous sub-divisions of that section has had granted to it the right to go on all the streets in those sub-divisions named. These two sections also give the company the right to go to any other point or place on the Island of Oahu as the association may choose with the Executive Council's consent and approval; and this in the face of an exclusive franchise already granted and held by the O. R. & L. Company.

We recommend that sub-division 13 of Section 2 be amended by striking out the words "or place in said Island of Oahu" on line 107 and inserting in their place the words "in said Honolulu", and by inserting the word "or" between the words "street road." This Section gives the majority of owners of property on any street or road the right to petition said association and others to lay a railroad in such street or road and upon obtaining the Executive Council's approval, the same may be done.

We recommend that the 1st and 2nd sub-divisions of Section 2 be amended so that they shall read as follows:

"1st. Beginning at the corner of Wyllie and Nuuanu streets and running along said Wyllie street to Liliha street, thence along Liliha street to King street, thence along King street to such point upon or near the Nuuanu stream whence by a direct or nearly direct line Hotel street may be entered, with the right to bridge said stream for said purpose, and to cross the intervening portion of the block adjoining the stream on the north; thence along Hotel street, Palace Walk, Printer's lane, or such street as may replace said Printer's lane and be extended to the end of Young street on Alapai street, with the right to cross the intervening premises between the present terminus of Printer's lane to said point on Alapai street, if such street be not at that time extended; along Young street to Kapiolani street and through Kapiolani street to either Beretania or King streets; along Beretania or King streets to Victoria street; and on Victoria street to Young street; and thence along Young street to the southeast end of said Young street; thence to King street crossing the intervening premises; thence along King street and the unopened extension thereof to the road from Beretania street to Moiliilii; thence along said road towards Waialae and Palolo to the Park or Kapahulu road, and thence along said road to Kapiolani Park; thence around and outside of said Park on the Ewa side thereof to a road leading into the Kekio tract adjoining Kapiolani Park; thence along said road and through the said tract crossing Hamohamo stream and crossing the intervening ter-

ritory to the Apuakehau stream; thence down said stream to the bridge on Waikiki road crossing the same and turning to the left at a convenient point crossing the intervening property and connecting with the Kalia road; thence along the said Kalia road to the Beach road; or after crossing said bridge in place of turning to the left along Waikiki road to the so-called Bishop switch; thence down the road leading southwest to Kalia road, then ce along said Kalia road to the Beach road at the Piinaio stream; thence along said Beach road to a point near Sheridan street upon a line with Queen street extension; thence to said Queen street and along the same to River street; thence along said River street to Hotel street.

Provided, however, that the said association and other's in using the Young street route, may upon first obtaining the Executive Council's consent in writing, go through Thomas Square in place of using the route hereinbefore set forth which excludes Thomas Square from being operated as apart or portion of the Young street route.

"2nd. Also beginning at the corner of Fort and Queen streets and running thence along Fort street to the wharf; thence along the waterfront to Alakea street; thence along Alakea street to the street makai of the Market, thence along the southern side of the Market to Richard street; thence along Richard street to Beretania street, thence along Beretania street to Emma Street, thence along Emma street to Punchbowl street at the junction with

School street; thence along Punchbowl street to the Pauoa road; thence along said road to a point whence by crossing the intervening premises, the right to do which is conferred, connection can be made with the southeasterly end of Judd street at Nuuanu stream and crossing the same by a bridge; thence along said Judd street to Nuuanu street; thence along Nuuanu street and Nuuanu Valley road to the Pali."

We also recommend that sub-division 4 be amended so that it shall read as follows:

"4th. Beginning at the corner of Hotel and Bethel streets, thence along Bethel street to King street, thence along King street to Fort street, thence down Fort street to Merchant street; thence along Merchant street to Richard street (with a spur to or near the Hawaiian Opera House) thence along said Richard street to the water front with the right to connect with the Richard street line on the waterfront and on Allen or Halekauwila street."

The object of this amendment is to prevent a line of street cars running on that portion of Merchant street lying between Fort street and the Postoffice; the street between those points being too narrow for that purpose, and the traffic and use of said street by carriages and others would be seriously interfered with on that account.

This committee also recommend that at the end of Section 2 the following amendment be inserted which in itself is explana-

tory, and needs no comment from this committee, other than this, and that is the public have some rights which even a Legislature is bound to respect:

"Provided/ however, that if any of the streets or roads named in this section shall be less than fifty feet in wi·dth and while so remaining lesss than said fifty feet in width, no line of railway shall be located or laid on any of said streets so long as the same are less than fifty feet in width.

Provided, however, that the foregoing exception shall not apply in case such street or road being less than fifty feet in width shall be used as a means of connecting two lines of track owned by said asociation and others, in which case said street or road so to be used in connecting with said lines of track shall not be used for a greater distance than 1500 feet on such street less than fifty feet in width."

We also recommend that in the 4th sub-division of section 4, line 23, and after the word "Government" the words "or any person or corporation" be inserted, the object being to give any person or corporation a remedy and protection as well as the Government.

In the 7th sub-division of the same section wherever the words "three" and "five" appear, we recommend the insertion of "two" and "four" in their respective places, thus compelling the equipment of the line ready for the transportation of passengers for at least ten miles of its line in two years, and the remain-

der of its line equipped and ready for the transportation of passengers within four years from the time of its commencement of work. As this committee has recommended that sub-divisions 11 and 12 be stricken out, we also recommend that on line 44 of this subdivision, after the word "period" the balance of that line be stricken out as well as lines 46 and 47, and inserting at the commencement of line 48 the word "provided."

We also recommend that the bond in this sub-division provided for be Five Thousand Dollars instead of Twenty-five Hundred. In sub-division 9, on line 60, we recommend the words "as near as may be" be stricken out; and on line 63 the words "such state of" and the word "good" inserted in their place. And on line 64 strike out the words "as shall" at the beginning of the line, and insert in their place the words "such repair when made to."

In Section 6 we recommend that sub-divisions 2 and 3 be stricken out, for the reason heretofore given relating to the granting of privileges which may be the cause of endless litigation and the interference and disposal of property and rights which do not belong to the public and over which this Legislature has no disposing power.

We also recommend that Section 7 be stricken out, one of the reasons being that the Legislature has already granted the right to lay tracks upon the streets named in this Act and the

retention of this section would practically hand over all remaining streets and delegate to the association and others power in this particular equal to that of the Legislature, which this committee does not approve of, and possibly a greater power than the Executive now has.

In Section 9, line 3, we recommend that the word "honolulu" be stricken out and the word "Kona" inserted in its place.

We also recommend that on line 16 after the word "Hawaii" the words "or any other person" be inserted. The object of which amendment is that the Attorney-General will not be the only person who may recover for the benefit of the public the penalty provided for non-observance of the rates of speed.

In Section 15, line 2, your committee recommends that the words "or other acquisition" be stricken out. These simple words being capable of being construed as conferring upon this company the right to have public or private property condemned for their purposes under the doctrine of eminent domain, a doctrine this committee does not approve of.

The 3rd sub-division of Section 18 we recommend be stricken out and the following substituted in its place:

3rd. A sinking fund may be created for the redemption of any bonds which may be issued or other record debt and the capital upon the expiration of the franchise. Provided, however, the amount placed to the credit of such sinking fund annually

shall no exceed in amount such a sum with interest computed at 5 % per annum, compounded, as will, principal and interest combined, at maturity equal the par value of the bonds, record and capital debt aforesaid."

In sub-division 3 of Section 31 on line 26 we recommend that the words "Minister of the Interior" be stricken out and the words "Executive Council" inserted in their place.

In order to give the government a controlling hand and an effectual power to enforce all the provisions either of commission or omission by the association, your committee has drafted a new Section which they recommend be inserted, which new Section gives the Government the right to institute proceedings which will end in a forfeiture of the rights and privileges granted under this Act, and which new Section reads as follows:

Section....Whenever the said association and others or any corporation which may have been duly organized under the laws of this Republic for the purpose of constructing, operating and maintaining the lines of railway mentioned in this Act, and as by this Act provided, refuses to or fails to do or perform or carry out or comply with any Act, matter or thing requisite or required to be done under the provisions of this Act and shall continue so to refuse or fail to do or perform or carry out or comply therewith, after due notice by the Minister of the Interior to comply therewith, the Minister of the Interior shall

with the consent of the Executive Council, cause proceedings to be instituted before the proper tribunal to have the franchise granted by this Act and all rights and privileges granted hereunder, forfeited and declared null and void."

With these recommendations and amendments we are in favor of the Act becoming law."

Senator Schmidt from the Joint Conference Committee on Senate Bill 5, salaries and pay rolls, presented the following report of the proceedings of the Conference Committee and on motion the report was adopted:

"Your Committee on Finance under instruction to join a Committee from the House of Representatives as a Joint Conference Committee to investigate and to agree on a certain number of House amendments to Senate Bill 5, have met, consulted and agreed on the following appropriations under said bill:

Salary of Shorthand reporters, 2 at $4800 each	$ 9,600.00
Salary of Hawaiian interpreters, Supreme and Circuit Courts, 2 at $3000 each	6,000.00
Salary of Messengers, 2 at $960 each	1,920.00
Traveling Expenses, Circuit Judge and Clerk, Second Circuit	300.00
Salary District Magistrate Lahaina, 3rd class	2,200.00
Traveling Expenses Circuit Judge and Clerk, 3rd and 4th Circuits	500.00

Salary of Shorthand Reporter	$ 2,000.00
Salary of District Magistrate, Lihue, 3rd class	2,200.00
Department of Foreign Affairs:-	
Salaries of Clerks at $2400, $2000 and extra $1000	5,400.00
Salary of Tax Assessor of Hawaii	5,000.00
Deputy Postmaster-General and Secretary	4,000.00
Salary of Superintendent of Postal Savings Bank	4,000.00
Salary of Superintendent of Postal Money Order Department	4,000.00
The six items specifying salaries of 3 Entry Clerks and 3 Statistical Clerks were stricken out and the Senate Bill restored.	
Salary of Port Surveyor, Honolulu	4,000.00
Assistant Appraiser	3,000.00
Salary of Customs Guager and Tester	3,000.00
Two examiners	4,800.00
Pay of Chinese and Japanese Inspectors and Translators, each $1200	2,400.00
Salaryof Deputy Marshal	4,200.00
Salary of Clerk to Sheriff, Hawaii	1,800.00
Salary of Clerk to Sheriff, Maui	1,800.00

Salary of Deputy Sheriff, Hawaii	3,600.00
Salary of Deputy Sheriff, North Kona	2,400.00
Salary of Deputy Sheriff, South Kona	1,800.00
Salary of Deputy Sheriff, Puna	1,440.00
Salary of Deputy Sheriff, Kawaihau	1,560.00
Pay of Police, Kauai	18,000.00
Salary of Deputy Sheriff, Ewa	1,800.00
Salary of Deputy Inspector and School Agent, Honolulu	900.00
Salary of Traveling Normal Instructor	6,000.00
Traveling Expenses Normal Instructor	500.00
Salary of Assistant Secretary and School Agent, District of Kona, Oahu	3,000.00
Salary of First Assistant Clerk, Interior Office	4,800.00
Salary of 2 Messengers, $1200 each	2,400.00
Pay of Sub-Agent, 6th District, "not to exceed."	720.00
Salary of 3rd Assistant, Bureau of Survey	2,700.00
Salary of Draughtsman	2,100.00
Salary of Superintendent Honolulu Water Works and Clerk of Market	5,400.00
Salary of Superintendent Wailuku and Kahului Water Works, if said works are established	420.00

Salary of Superintendent of Hilo Water Works	1,800.00
Salary of Bookkeeper, Bureau of Public Works	3,600.00
Pay of Gunpowder Keeper, Hilo	50.00
Salary of Secretary, Board of Health	4,000.00
General Expenses, Pay Roll	18,960.00
Keeper Quarantine Station	1,200.00
Maintenance Hospitals Pay Roll	13,000.00
Act to Mitigate	3,150.00
Salary of Food Commissioner	3,150.00
Pay of Chief Forester	3,600.00
Pay of Expert Forester	1,500.00
Pay of Laborers, Nursery	1,080.00
Pay of Laborers, Makiki and Nuuanu	5,400.00
Pay Roll, Government Buildings	4,944.00
Pay Roll, River and Makiki Parks	2,040.00
Honolulu Fire Department, Regular Pay Roll	59,040.00

Your Committee, while submitting this report, wishes to remind the Senate that in a great many instances it was our duty to insist upon larger appropriations than the House of Representatives had passed and also a large number of items were merely referred to us for investigation. So it was not possible for us to make any material reduction in the total amount of the bill.

The House of Representatives has increased the bill by the

amendments referred to us by $28730. Of this amount there are entirely new appropriations for forestry and new bills passed by the Senate $12,460, and an increase for firemen in new station $6600, together $19,060, so the increase on former salaries amounts to $8650.

Your Committee succeded in obtaining a decrease of $6660, which is nearly offset by the higher appropriations of the Senate, for which we were obliged to stand up, viz: $5620.

We submit herewith a list of the amendments to Senate Bill #5 as agreed upon by the Joint Conference Committee and duly signed by all the members thereof.

H. W. SCHMIDT.

G. N. WILCOX.

J. N. WRIGHT.

NOTICE OF INTENTION.

Minister Cooper gave notice of his intention to introduce a bill to amend Sections 527 and 530 of the Civil Code, relating to ports of entry.

JOINT RESOLUTION.

Senator McCandless introduced the following Joint Resolution:

WHEREAS heretofore under the monarchy the Government conducted a museum of curiosities and eventually terminated the conduct thereof and loaned the curiosities remaining in such museum to the trustees of the Bernice pauahi Bishop Museum for exhibition therein; and

WHEREAS, subsequent to the abrogation of the monarchy the Government has loaned to the trustees of the Bernice Pauahi Bishop museum for exhibition several articles of antiquarian and historic interest, to wit: Cocoanut drum, four fish hooks, wooden bowl inlaid with human teeth, malo, two feather capes, feather helmet and feather lei; and

WHEREAS, the Minister of the Interior is in possession of a number of articles of historic interest, sometimes referred to as relics of royalty, many of which are of destructible material and liable to injury for want of a suitable place for the care thereof, and

WHEREAS, the trustees of the Bernice Pauahi Bishop museum desire to procure such of said articles as are valuable foer exhibition and exchange,

BE IT RESOLVED, by the Senate and House of Representatives of the Republic of Hawaii,

That the Minister of the Interior is hereby authorized to transfer the ownership of all of the said articles heretofore loaned to the said trustees as aforesaid to such trustees absolutely for the purposes of the said Bernice Pauahi Bishop museum

and without pecuniary consideration.

And the said Minister is hereby further authorized with the approval of the Executive Council to transfer to the said trustees absolutely any of the said articles in his possession as relics of royalty, which may be desired by them for the purposes of the said museum and without pecuniary consideration.

On motion the words "and exchange" at the end of the fourth paragraph were stricken out.

The resolution was then adopted as amended.

House Bill 55, rapid transit Act, was then taken up, with the report of the committee.

On motion the report was adopted, which carried the bill through second reading with the amendments.

The bill was then referred to the Printing Committee.

Third reading to be had as soon as the bill is reported back.

On motion of Senator McCandless the Senate went into Executive session, and on motion the same was ordered to be an open one.

The nomination of H. Laws as auditor-general of the Republic of Hawaii was thereupon taken up and confirmed by a unanimous vote.

The regular open session was then resumed.

Senator Lyman from the Joint Conference Committee on Senate Bill 4 presented the following report, and on motion the same was adopted.

"Your Committee on Public Lands and Internal Improvements together with the Special Committee from the House of Representatives, to whom were referred the items in Senate Bill #4, Current Account Appropriations, amended by the House, in which the Senate did not concur, have considered the same in Joint Conference, and beg to report as follows:-

It appears that the House has in its wisdom taken all of the items of the Supplementary Current Account Bill #23 and entered them, some in #4 and some in the Loan Bill, #22. After looking into the matter, the Conference Committee have changed some of the amounts passed by the House, and have agreed to recommend that the Senate concur in--and the House-- the following items, namely:-

Incidentals Finance Office (reduced to)	$ 3,500.00
Interest on all Loans and advances, including commissions on remittances to London (raised to)	585,000.00
Mail Subsidy, Wilder's S. S. Co.	3,000.00
Mail Subsidy, Inter-Island S. S. Co.	3,000.00
Extra Inter-Islamd Mail Service	2,000.00
Department of Public Instruction, Island of Hawaii	25,000.00
Department of Interior, Incidentals, Commission of Public Lands	5,000.00
Preliminary Roads and Trails	7,000.00
Nawiliwili Water Works	2,500.00
Repairs, Furniture and Additions to Government Buildings	45,000.00
Fire Station and Apparatus, Kulaokahua	7,000.00
Wharf Shed, Hookena, South Kona	200.00
Wharf Shed, Napoopoo, South Kona	200.00
Extension of Wharf, Hookena, South Kona	800.00
Extension of Wharf, Keauhou, North Kona	500.00
Extension of Wharf, Hana, Maui	500.00
Dredging Lahaina Landing	1,000.00
Stone Culvert across Pohakunanaku, Hilo	2,000.00
Road through Nanawale and Kaohe Homesteads, Puna	1,200.00
New Road from Pahoa to Rycroft's Road, Puna,)Unpaid Bills)	266.94

To complete road from Koae to Kamaili, Puna	1,000.00
Road to Ninole Homesteads, Kau	2,000.00
South Kona	3,000.00
Widening and Repairing Road between Kaohe and Alika, South Kona	2,500.00
North Kona	3,000.00
Beach Road, Kailua to Keauhou	500.00
Widening and repairing Beach Road, Hookena to Napoopoo, South Kona	400.00
South Kohala	2,000.00
Bridge across Waimea Stream, Hawaii	500.00
North Kohala	1,500.00
Regrading Main Road and Roads to Landings, Hamakua	22,000.00
Ahualoa Homestead Road, Hamakua	8,000.00
Kalopa Homestead Road, Hamakua	4,000.00
Paauilo Homestead Road, Hamakua	6,000.00
Kaala Homestead Road, Hamakua	5,500.00
Regrading Road, Kokomo, Makawao to Halehaku, Huelo Maui	3,500.00
Striking out Makawao to Huelo, $3,000 and insert Culvert across Kawaipapa Stream, Maui	300.00
Kahikinui, Hana, Maui	1,000.00
Purchase of Rock Crusher for District of Hana	2,000.00
Roads Hana District	2,500.00

Pay Survey Road from Hanawi, Koolau, to Kailua Huelo, Maui (Unpaid Bills)	500.00
Road from Puukoo to Halawa, Molokai	3,000.00
Roads and Bridges, Honolulu	100,000.00
Nuuanu Road to Pali (taken from Loan Bill)	30,000.00
Macadamizing streets at Kaluaopalena, Kalihi	1,000.00
Repairs to Houghtailing Lane	300.00
Macadamizing Road, Moanalua to Kapukaki	500.00
Macadamizing Union Street, including Road Damages	6,000.00
Repairing and Widening Waialae Road and Extension	2,500.00
Repairing and macadamizing Campbell Avenue and Monsarrat Road	2,000.00
Widening and Macadamizing Road from Keoneula on King street to Insane Asylum, including Road Damages	5,000.00
Enlarging and Repairing Aala Road	500.00
Repairs Wyllie Street	400.00
Widening King street, east of Kalihi Bridge and new bridge	2,000.00
Macadamizing River Street from King street to Vineyard Street	3,000.00
Extending Kukui Street from Nuuanu To River Street	1,000.00

Road from Pouhala to Government Road, Ewa	500.00
Purchase of Rock Crusher, Ewa and Waianae (as in Bill NO. 4.)	
Waialua	3,500.00
Court House and Jail, Pahala, Kau	400.00
Jailor's House, Hookena	150.00
Addition Hana Court House, Maui	150.00
Subsidy to Consumptive Ward, Queen's Hospital	5,000.00

And that all the other items of non-concurrence in Bill No. 4 be stricken out; and that the proviso at the end of Section 5 be also stricken out.

J. A. McCANDLESS.

F. S. LYMAN.

H. P. BALDWIN.

At 11:20 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND SIXTEENTH DAY.

Senate Chamber,

July 1, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup, Waterhouse and Wilcox.

Minutes of June 30th were read and approved.

REPORT.

Senator Schmidt from the Finance Committee presented the report of their expert examination of the books of the Finance Department, together with a Concurrent Resolution thereon, as follows:

RESOLUTION.

WHEREAS, it appears from the reports of the Finance Committees of the Senate and House of Representatives that the Silver Certificates of the old denomination which have been cancelled to the amount of $272,500 are now stored in the vaults of the

Finance Department, and

WHEREAS, it is deemed expedient that they be totally destroyed by fire, therefore,

BE IT RESOLVED, by the Legislature of the Republic of Hawaii that a committee of seven persons, three of whom shall be appointed by the President of the Senate, three by the Speaker of the House of Representatives and one by the Minister of Finance, be and they are hereby empowered to cause the said cancelled certificates to be counted, verified and afterwards destroyed by fire under their personal supervision at such time and place and in such manner as they deem best.

On motion the report of the committee was ordered filed and the resolution was adopted by a unanimous vote.

HOUSE MESSAGE.

The following Communications were received from the House:

Honolulu, H. I. June 30, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that Senate Bill 22 re Loan Bill, with House amendments thereto, and Senate Bill 28, light wines, etc., passed their third readings as amended in the House of Representatives of the Republic of Hawaii this day, and said Bills and certified amendments are

herewith returned to you for your further consideration.

JULY, 1st, 1898.

I have the honor to inform you that Senate Joint Reports on House amendments to Senate Bills 4 and 5, current receipt appropriations and Salary and Pay Rolls appropriations respectively, were adopted by the House of Representatives of the Republic of Hawaii this day.

Also that Substitute to House Bill 89, amending law relating to right of eminent domain (Wailuku Water Works) passed third reading in the House this day. Said bill and Joint Reports are herewith forwarded to you for your further action.

Very respectfully,

JAS. N. K. Keola,

Clerk.

FIRST READING.

Minister Cooper introduced and read Senate Bill 51, amending Sections 527 and 530 of the Civil Code, which passed first reading. Under suspension of the rules the bill was read a second time by title and referred to the Committee on Commerce.

House Bill 60, relating to the Opium laws, was taken up, and on motion of Senator Brown the bill was laid on the table.

House amendments to Senate Bill 22, loan appropriations, were taken up, and on motion the Senate refused to concur thereto.

House amendments to Senate Bill 28, wine and beer licenses, were next taken up, and on motion the Senate concurred in the same.

FIRST READING.

Substitute to House Bill 89, relating to eminent domain, passed first reading.

Under suspension of the rules the bill was read a second time by title and referred to the Committee on Public Lands.

At 11:20 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND SEVENTEENTH DAY.

Senate Chamber,

July 2, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Waterhouse and Northrup.

Minutes of July 1st were read and approved.

REPORTS.

Under suspension of the rules Senator Baldwin from the Committee on Commerce made a verbal majority report on Senate Bill 51, recommending the passage of the same.

Senator Schmidt from the same committee presented a minority report, as follows:

"The undersigned member of your Committee on Commerce has carefully considered House Bill 51, creating a port of entry at Palaau, Molokai, and has come to the conclusion that it is not advisable to create any more ports of entry, until the importing

or smuggling of opium has been made impossible or unremunerative by law.

There is no trouble for any vessel to enter in the Custom House of Lahaina, Kahului or any port they choose.

The appropriation bills have passed and it is too late to create new offices for a new port.

The landing at Palaau is not of the best according to all reports and may require another appropriation for new wharves and landings.

As annexation is expected soon, there is no need for any more new ports, as all ports will be free by U. S. laws, as we understand.

On the other side there is quite a number of harbors on the Hamakua coast of Hawaii and elsewhere which would be considered to be entitled to the same privileges, if we once open the door for all who want to come in.

Besides there are special features about this port which are not in favor of the bill.

I do not believe in creating as much competition as possible with the Honolulu Iron Works, the Inter-Island Steamship Co. and other Hawaiian institutions. In other countries they believe in protection and so does the undersigned.

The new plantation for which these sacrifices are to be made is mostly owned by foreigners living abroad. I appreciate the investment of foreign capital here, as long as it is

really a benefit to home industries, but when it is the intention of creating an independent concern, which will do all of its business direct with other countries, I see no reason why the Senate should specially favor such a corporation to the detriment of other business concerns and residents. I believe to leave some work to the next Session of the Legislature and therefore recommend that the bill be laid on the table.

H. W. SCHMIDT.

On motion the majority report was adopted which carried the bill through second reading.

Third reading set for July 5th.

House Bill 55, rapid transit, was then taken up on third reading and the following amendments adopted:

On page 14 of the newly printed bill, line 9, after the words "Thomas Square" insert the words: "Provided permission to pass through said square shall be obtained as hereinbefore provided."

On line 10, same page, strike out the word "four" and insert the word "two."

On line 7 of the same page strike out the word "fifteen" and insert the word "twelve."

On page 18, line 1, of the newly printed bill, after the word "have" insert the word "the"; and on line 2 after the word "purchase" insert the word "or."

On page 22, newly printed bill, line 7, strike out the word "hereinbefore" and insert the word "hereinafter".

On page 25, Section 29, line 5, strike out the words "cities, towns and places of said Republic,"and insert the words "District of Kona, Island of Oahu."

To the end of Section 31 add: "And the said Association and others shall provide such receptacles upon their street cars as shall be approved by the Postmaster-General for the conveyance, free of charge, of letters or addressed papers in wrappers. Such letters or papers to be carried to such street crossing as may be designated by the Postmaster-General and delivered to such person as may be delegated by the Postmaster-General to receive them."

Amend Section 36 to read Section 35.

Insert a new Section to be called Section 36, as follows:

"Section 36. It shall not be lawful to increase the capital stock of said corporation at any time in excess of said two

hundred thousand dollars, unless the proposed increase shall, when taken with the said original capital stock, represent only the actual cost of the property of the railway and not over twenty-five per cent of such cost in addition thereto; such cost may include all expense of laying tracks and equipping the road for public use, and may also include all subsequent extensions, but no such increase shall be authorized for extensions until they shall be determined upon and authorized by a vote of the corporation."

Amend Section 35 so as to make it read Section 37 and put it at the end of the bill.

On page 16, line 25, newly printed bill, strike out the word "bill" and insert in its place the word "Act."

Wherever in the bill the words "District of Honolulu" appear insert the words "District of Kona, Island of Oahu" in their place.

Amend the title by striking out the words "streets and roads on the" and insert in their place the words "the District of Kona, Island of Oahu."

The bill then passed third reading as amended by the following vote:

Ayes-Kauhane, Lyman, Holstein, Hocking, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--11.

Noes--0.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. July 2, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that the House Joint Public Lands Committee has been authorized by the House of Representatives of the Republic of Hawaii this day to confer with a Senate Committee on House amendments to Senate Bill 22, Loan Bill, which the Senate refused to concur.

very respectfully,

JAS. N. K. KEOLA,

Clerk.

On motion the Joint Public Lands Committee was authorized to represent the Senate in a conference on said bill.

Under suspension of the rules Senator Lyman from the Public Lands Committee made a verbal report favoring the passage of

House Bill 89, right of eminent domain, and on motion the report was adopted, which carried the bill through second reading.

Third reading set for Tuesday July 5.

At noon the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND EIGHTEENTH DAY.

Senate Chamber,

July 5, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

The minutes of July 2d were read and approved.

HOUSE MESSAGE.

Honolulu, H.I. July 2, 1898.

HON. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that the House of Representatives of the Republic of Hawaii has this day refused to concur to Senate amendments to House Bill 55, rapid transit bill, and the House desires a conference with a Senate Committee in re said amendments. The House has appointed the following special committee of conference on said bill: Representatives Robertson, Atkinson and Gear.

Also the House has this day laid upon the table Senate Bill 37, eligibility of persons to hold office.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of the House.

Honolulu, H. I. July 5, 1898.

HON. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to transmit to you certified copies of House Bill 90, relating to the consolidation of the public debt, which passed third reading in the House of Representatives of the Republic of Hawaii on July 2, 1898.

Also I have the honor to inform you that Senate Joint Resolution, relating to the transfer of curiosities to the trustees of the Bernice Pauahi Bishop museum, and Senate Concurrent Resolution in re Destroying Silver Certificates, were adopted by the House of Representatives this day, and the House Finance Committee have been appointed to represent the House.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

REPORT.

Senator Schmidt from the Committee on Accounts reported that

the bills against the Senate to June 30th had been audited and allowed to the amount of $558.95, and the clerk was instructed to draw the necessary warrants for the same.

RESOLUTION.

Senator Brown submitted the following resolution which was adopted:

RESOLVED:- That the Clerk of the Senate be granted ninety days in which to finish up the work of the present Session, and to have the Journal typewritten. The clerk to pay for the typewriting and binding of the same.

President Wilder named as the Special Conference Committee on the Rapid Transit Bill, Senators Baldwin, Brown and McCandless.

House Bill 90, relating to refunding the public debt, passed first reading.

The motion to suspend the rules and read the bill a second time by title was lost.

Senate Bill 51, ports of entry, passed third reading by the following vote:

Ayes--Kauhane, Hocking, Baldwin, Kepoikai, McCandless, Wright, Rice, Wilcox--8.

Noes--Lyman, Holstein, Brown, Schmidt--4.

House Bill 89, amending law of eminent domain, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

At 10:40 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND NINETEENTH DAY.

Senate Chamber,

July 6, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by the chaplain.

Roll call; absent Senators Northrup and Waterhouse.

Minutes of July 5th were read and approved.

Senator Rice from the Revision Committee reported Senate Bills 4, 5 and 28 as revised amd ready for signing.

HOUSE MESSAGE.

The following communication was received from the House:

Honolulu, H. I. July 5, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor herewith to transmit to you certified copies of House Bill 91, relating to disabilities of a Circuit Judge and repealing Act 23 of the Laws of 1898,

which bill passed third reading in the House of Representatives of the Republic of Hawaii this day.

Also that the House Joint Finance Committee has been authorized this day to confer with a Senate Conference Committee to see what action, if any, could be taken on matters now pending before the Joint Committees of both Houses.

Very respectfully,

JAS. N. K. KEOLA,

Clerk of House.

Honolulu, H. I. July 6, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to forward to you herewith Joint Report #6 of Conference Committee on Senate Amendments to House Bill 55 re Rapid Transit Bill, which Joint Report was adopted this day.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

REPORT.

Senator Schmidt from the Finance Committee presented the report of the expert examination of the books of the Road Super-

visor's Office, and on motion the same was referred to the Minister of the Interior.

Senator Baldwin from the Joint Public Lands Committee presented the Joint Conference report on House Bill 81, relating to fencing public lands, and on motion the same was adopted.

On motion of Senator Baldwin House Bill 72, relating to barbed wire fences, was taken up on third reading and passed by the following vote:

Ayes--Holstein, Hocking, Baldwin, Kepoikai, McCandless, Schmidt, Wright--7.

Noes--Kauhane, Brown, Rice, Wilcox--4.

Under suspension of the rules President Wilder by request of the Senate voted, and cast his vote in favor of the passage of the bill, making eight votes therefor, whereupon the bill was declared to have finally passed.

Senator Lyman from the Passed Bills Committee reported that House Bill 89, eminent domain, Senate Bill 28, light wines and beer licenses; Senate Bill 4, appropriations for current account; Senate Bill 5, salaries and pay rolls, and Joint Resolution relating to the disposition of relics of royalty, had been presented to the President for his approval.

House Bill 90, refunding the National debt, passed second reading.

Third reading set for July 7th.

Under suspension of the rules Senator Lyman from the Joint Public Lands Committee presented the report of the Conference Committee on Senate Bill 22, as follows:

"The Joint Committee on Public Lands and Internal Improvements, from the Senate and the House of Representatives, to whom were referred certain items in Senate Bill 22, or the Loan Act, some that were amended by the House, some that were taken from Senate Bill 23, and also new items added in which the Senate did not concur, have considered the same in conference committee and beg to report, recommending as follows:

In Section 2, that the condition to "Harbor Improvements, Honolulu", be retained.

That Harbor Improvements, Hilo Bay, be changed to read, "Breakwater and Wharf, Hilo Bay," increased from $20,000 to $ 50,000.00

Approaches at Nahiku, etc., be changed to read, "New Wharf at Papiha, Nahiku and Approaches" 5,000.00

Kahuku to Papaaloa, North Hilo, (raised to) 45,000.00

Waipunalei, Kuaia and Paana (new item) 5,000.00

"Homestead Roads," be changed to read)

"Waikaumalo and Maulua Homesteads"

(wording changed) 5,000.00

PUNA-

"Extension to Kaimu" be changed to read,

(wording) "Extension of Upper Puna

Road from Kekee to Kalapana 10,000.00

Cross road at or near 14 1/2 Miles on

Volcano Road (new) 2,500.00

2 1/2 miles Cross Road and 12 1/2 miles

parallel to Volcano Road 3o,000.00

Pack Trails in Olaa Cross Roads, 10 miles 10,000.00

KAU-

Volcano Road to Pahala 15,000.00

SOUTH KONA-

Landing to Upper Government Road (new) 4,000.00

Honaunau, Upper Road to Road to Napoopoo

Landing at Keei 5,000.00

NORTH KONA-

Road from Keauhou to the Upper Road 10,000.00

Huehue to South Kohala, (as passed in Senate) 8,000.00

SOUTH KOHALA-

Waimea to North Kona (raised from $7,000 to 8,000.00

ROADS AND BRIDGES, MAUI-

Mokulau to Kipahulu, raised from $3,000 to 8,000.00

New Road from Kailua to Hanawi, Nahiku, (wording) instead of "Kailua to Nahiku"	36,000.00
The two items, "Nahiku Homesteads and Homesteads to Hana", $12,500 each, joined in one item to read:-	
"Hana to Hanawi Gulch, through Nahiku Homesteads and branches, (wording)	25,000.00
Water Works, Wailuku and Kahului (new)	30,000.00
Kapalipilo to Nahiku	1,000.00
"Kihei Road", wording changed to read:- "Keokea--Kihei Road and Branches"	10,000.00
ROADS AND BRIDGES, OAHU:-	
New Street from Leleo Soap Works, King street, to connect with Vineyard Street extension, including Road Damages	5,000.00
New Kalihi Road to Mountain, stricken out.	
Construction of Puunui Road and Extension of Liliha Street	5,000.00
Bridge over Waikane stream, Koolau, stricken out.	
Stone Wall Banking of Pauoa Stream	3,000.00
Macadamizing West Manao Road	5,000.00
Widening and Completing Beretania Street, from Tramway Stable to Kapahulu Road	13,000.00
MISCELLANEOUS:-	
Completion of Diamond Head Light House, as	

passed by the Senate, with proviso regarding stone work, amended, "the stone work not to exceed $2,500.00	4,000.00
Light House Kailua, add words "North Kona"	
Court House Kailua, add words "North Kona".	
New Bridge, Kipapa Gulch, Ewa	1,500.00
Wharf, Hoopuloa, Kona	800.00
Custom House and Post Office, Hilo	12,000.00
Kalihi Pumping Plant	60,000.00
Improvements Nuuanu Stream, add the words "including Land Damages"	25,000.00
FIRE PROOF ROOMS:- Insert the following:	
Survey Office	3,500.00
Land Office	2,000.00
Hilo Court Records	1,500.00
Wailuku Court Records	1,500.00
Lihue Court Records	1,500.00
Immigration other than Asiatics	50,000.00
New School Houses and Teachers' Cottages (unpaid bills)	1,120.19
New Court House and Site, Koloa (unpaid bills)	
New Breakwater and wharf, Hilo (unpaid bills)	8,288.52
Harbor Improvements, Honolulu(unpaid bills)	20,076.28
New Roads, North Hilo	200.00
New Roads, Puna unpaid bills	6.40

New Roads, Kau, unpaid bills	273.40
New Roads, Nuuanu Pali, unpaid bills	145.86
Additions to Water Works, Hilo, unpaid bills,	173.88
Lighthouse and Light, Diamond Head, unpaid bills	3,730.19
Light House and Light, Kohala Point, unpaid bills	15.00
Light House and Light, Makahanaloa, unpaid bills	15.00

Strike out the proposed condition at the end of Section 5.

With these items as agreed to by the Joint Committee we recommend the passage of the bill.

On motion the report was adopted.

House Bill 91, relating to disabilities of Circuit Judges, passed first reading.

Under suspension of the rules the bill was read a second time and passed.

Third reading set for July 7th.

In accordance with the Concurrent Resolution relating to the destruction of the old Silver Certificates, President Wilder appointed the Senate Finance Committee to represent the Senate in the matter.

Senator Brown from the Joint Conference Committee on House Bill 55 rapid transit bill, presented the report of the Committee, which was adopted.

The bill was then referred to the Passed Bills Committee to act as a Joint Revision Committee in conjunction with a similar committee from the House.

At 11:40 A. M. the Senate adjourned.

Attest:

George Manson

Clerk.

ONE HUNDRED AND TWENTIETH DAY.

Senate Chamber,

July 7, 1898.

The Senate met at 10 A. M. President Wilder in the chair.

Prayer by Vice-President Kauhane.

Roll call; absent Senators Waterhouse and Northrup.

Minutes of July 6th were read and approved.

REPORTS.

Senator Schmidt from the Finance Committee presented the experts' reports on the offices of the Board of Health, Public Works, Postoffice and Water Works, and on motion the clerk was instructed to forward them to the Ministers of the several departments.

Senator Lyman from the Committee on Passed Bills reported that House Bill 72, barbed wire fences, had been presented to the President at 11:30 A.M. July 6th.

Senator Schmidt from the Committee on Accounts reported that the Committee had audited July bills to date against the Senate to the amount of $176.35 and on motion the clerk was instructed to draw the necessary warrants therefor.

Senator Schmidt then presented from the same committee a report of the expenses and disbursements of the present session of the Legislature, which was ordered placed on file.

Senator Schmidt from the Finance Committee also made a report on the payment of the expenses of the Extra Session of the Senate in 1897, amounting to $286.50, which was ordered placed on file.

Minister Cooper for the Minister of the Interior reported that the President had signed the following Acts:

Act 56, jurisdiction of Circuit Courts.

Act 57, milk licenses, etc.

Act 58, appropriations from Current account.

Act 59, barbed wire fences.

Act 60, salaries and pay rolls.

Act 61, wine and beer licenses.

Act 62, eminent domain.

Joint Resolution authorizing transfer of curiosities to Bishop Museum.

In conjunction with Act 58, a message was presented from the President, as follows:

To the Legislature of the Republic of Hawaii:

I am unable to approve of the following items under the sub-heading "Postal Bureau" in Senate Bill 4 to wit: "Mail Subsidy, Wilder's S. S. Co. $3000. Mail Subsidy Inter-Island Steam Navigation Co. $3000."and hereby veto the same.

My objections to each of these two items are the same, and are as follows: I deem it to be against public policy for the Government to subsidize steamship lines or any private enterprises except through explicit contracts which condition the subsidy upon definite public services to be performed by the party receiving the same.

Hitherto, Hawaiian Coasting vessels have been required to carry mails free of charge as a condition of their coasting licenses. If the time has come when this service should be paid for by the Government, in regard to which I do nor express any opinion in this connection, it should be done by legislation amending the present law, and requiring the execution of proper contracts providing for satisfactory delivery of the mails as to regularity and frequency and in other ways guarding the interests of the public.

Another and serious objection to these two items is that the appropriation bill thereby amends an existing law without

referring in its title to the law amended or to the subject matter involved.

SANFORD B. DOLE.

Executive Chamber,

July 7, 1898.

On motion the veto of the President was sustained by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown/ McCandless, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

House Bill 90, refunding the public debt, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Baldwin, Kepoikai, Brown, Schmidt, Wright, Rice and Wilcox--10.

Noes--Hocking, McCandless--2.

House Bill 91, relating to disabilities of Circuit Judges, passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, Brown, McCandless, Schmidt, Wright, Rice, Wilcox--12.

Noes--0.

Senator Brown was appointed a committee to interview the President as to a suitable hour for adjournment of the Senate, and afterwards reported that the President wished the Senate to remain at recess to 4 P. M.

HOUSE MESSAGES.

The following communications were received from the House:

July 7th, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to forward to you herewith a veto from the President of the Republic, vetoing two items in Senate Bill 4, Mail subsidy of $3000 each to the Wilder's and Inter-Island Steamship Companies; the House of Representatives of the Republic of Hawaii having passed the two vetoed items this day over the President's veto by a two-thirds majority.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

Honolulu, H. I. July 7, 1898.

Hon. W. C. Wilder,

President of the Senate.

Sir:- I have the honor to inform you that House Concurrent Resolution #5, relating to the ensign of

the Republic was adopted by the House of Representatives of the Republic of Hawaii this 7th day of July, 1898.

Very respectfully,

JAS. N. K. KEOLA,

Clerk.

The Concurrent Resolution above referred to was then taken up and on motion was laid on the table.

At 11:40 the Senate took a recess to 4 P. M.

At 4 P. M. the Senate met again, President Wilder in the chair.

Minister Cooper reported that the President had signed the following Acts:

Senate Bill 51, relating to ports of entry.

House Bill 90, relating to the public debt.

House Bill 81, relating to pounds and estrays.

House Bill 91, disabilities of a Circuit Judge.

Senate Bill 22, Loan Appropriation Bill.

Under suspension of the rules Senator Baldwin introduced Senate Bill 52, relating to the right of eminent domain and the Rapid Transit Bill, which was read the first time and passed.

SECOND READING.

Under suspension of the rules the bill was read a second time, and the following amendments were adopted:

In the title of the bill and in Section 1, strike out the words "approved on the seventh day of July, 1898."

Insert in the first line of Section 1 the word "private" after the word "take".

In Section 1 of the bill strike out the last two lines and a half, all those words following the words "Executive Council."

The bill then passed second reading as amended.

Under suspension of the rules the bill then passed third reading by the following vote:

Ayes--Kauhane, Lyman, Holstein, Hocking, Baldwin, Kepoikai, McCandless, Wright, Wilcox--9.

Noes--Brown--1.

Senator Lyman from the Passed Bills Committee reported that House Bills 55 and 81 and Senate Bill 22 had been presented to the President at 10:30 A. M. this day; also that House Bill 90

and 91 and Senate Bill 51 had been presented to the President at 11:15 A. M. this day.

At 5:45 P. M. Minister Cooper reported that the President had signed the following bills:

Senate Bill 40, Chinese Immigration.

House Bill 55, rapid transit.

Senate Bill 52, amending House Bill 55.

Senators Lyman and Kepoikai were appointed a committee to notify the President that the Senate was about to adjourn.

The Committee reported that the President had no further business to communicate to the Senate.

Senator McCandless moved that a vote of thanks be tendered to President Wilder for the efficient and impartial manner in which he had discharged the duties of his office. Carried.

Whereupon at 5:55 P.M. the Senate was declared adjourned sine die.

Attest:

George Manson

Clerk.